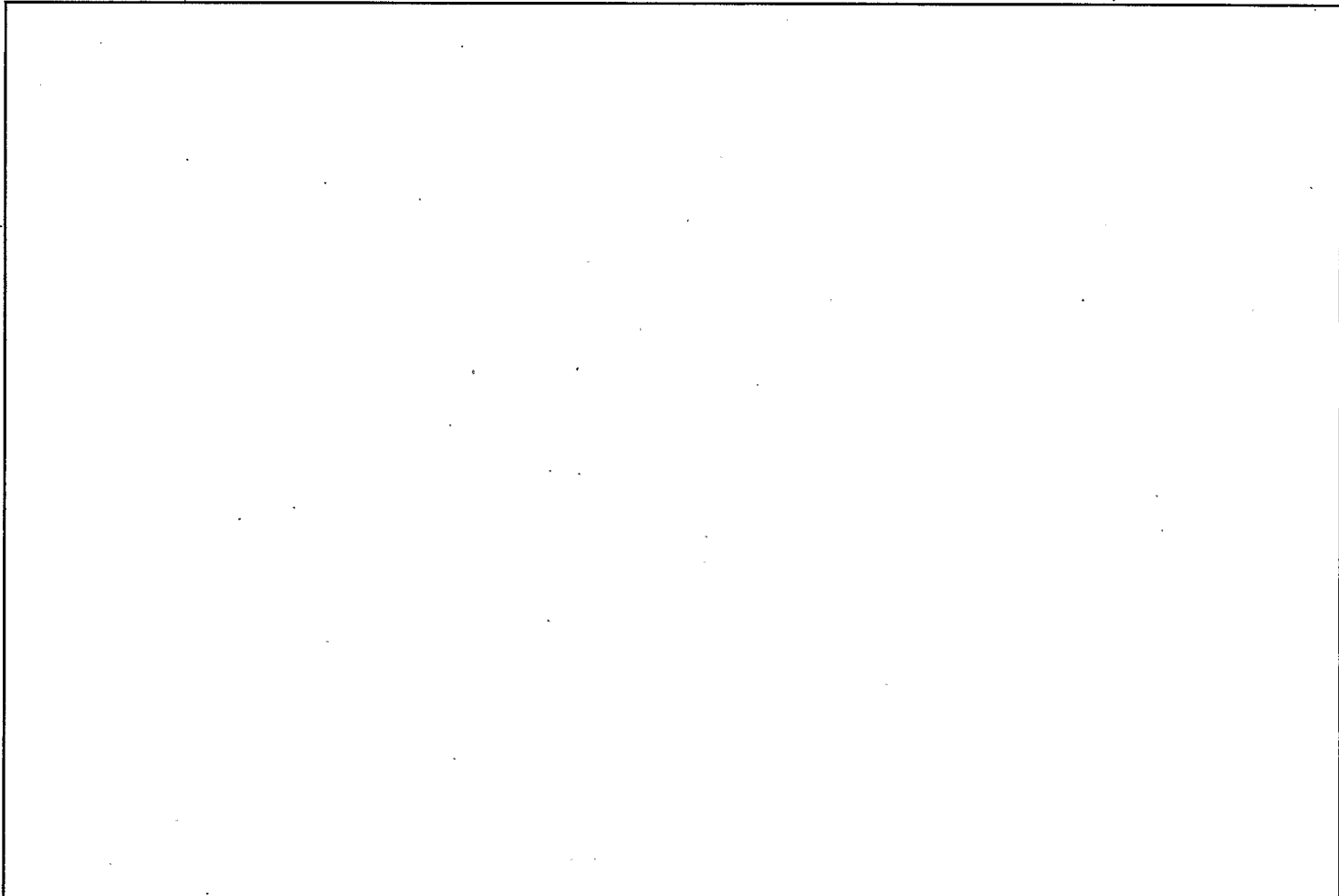


L22

Ramish, Timothy E

From: Taft, George (SBU)
Sent: Monday, September 13, 2004 4:59 PM
To: Harris, Robert K (L-HRR); Brancato, Gilda M (L-HRR)
Cc: Ramish, Timothy E (SBU); Taft, George (SBU)
Subject: FW: Request for Talking points: Powell's testimony on Darfur: genocide



B5

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-----Original Message-----

From: Maurer, Marissa
Sent: Friday, September 10, 2004 8:12 AM
To: Wall, Marc M; Casebeer, Casey; FitzGibbon, Kathleen A; Spera, Vincent D; Mitchell, Tim D; McBride, Leslie E
Subject: Powell's testimony on Darfur

09 September 2004

Powell Reports Sudan Responsible for Genocide in Darfur

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: HARRY R MELONE
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Calls for continued pressure, action from U.N., U.S. and AU

In testimony to the Senate Foreign Relations Committee September 9, U.S. Secretary of State Colin Powell declared the actions of the Sudanese government and its proxies, the Jingaweit militias, against the people of Darfur to be genocide.

Citing the recently completed State Department investigation that was conducted in the refugee camps in Chad with the assistance of the American Bar Association and the Coalition for International Justice, Powell identified "a consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by Jingaweit and government forces against non-Arab villagers" from which "we concluded that genocide has been committed in Darfur and that the Government of Sudan and the Jingaweit bear responsibility -- and genocide may still be occurring."

The secretary made copies of the evidence the State Department team compiled available to the committee.

Powell opened his testimony with a review of recent history of the region and the continuing fighting. He also recounted the recent investigative and diplomatic missions and actions that have been undertaken by the United States, the United Nations and the African Union to halt the genocide, to bring those responsible to justice and to restore the displaced to their homes.

Despite strong pressure from the United States, including a personal visit by the secretary of state to warn the leadership in Khartoum of potential repercussions, and a U.N. Security Council resolution (Resolution 1556) that set deadlines for the Sudanese for clearing the Jingaweit from the area, providing security and allowing humanitarian aid access, the Sudanese government has taken insufficient steps to avoid threatened sanctions.

Powell acknowledged that some progress had been made in allowing African Union troops in to monitor the cease-fire between the Khartoum government and the rebels and in providing greater access for humanitarian aid. But, he said, Sudan continues to throw obstacles in the way of aid workers and has done little or nothing to rein in the Jingaweit.

The key issue, he said, is to provide real security in the region so those displaced can return to their homes -- when their houses and towns are rebuilt. "What is really needed is for the Jingaweit militias to cease and desist their murderous raids against these people -- and for the government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the Jingaweit militias or arresting its leaders."

Powell called on the United Nations to bring further pressure to bear, including conducting an investigation on the issue of genocide, increasing the African Union peacekeeping force, and taking realistic sanctions against the Sudanese government for failure to comply with Resolution 1556.

The report cited by the secretary, "Documenting Atrocities in Darfur," was released September 9 by the State Department's Bureau of Democracy, Human Rights, and Labor and Bureau of Intelligence and Research. It may be reviewed at: <http://www.state.gov/g/drl/rls/36028.htm>

The secretary's remarks as prepared for delivery follow:

(begin text)

U.S. DEPARTMENT OF STATE
Office of the Spokesman
September 9, 2004

As Prepared

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SECRETARY OF STATE COLIN L. POWELL
THE CRISIS IN DARFUR
WRITTEN REMARKS
SENATE FOREIGN RELATIONS COMMITTEE

September 9, 2004

Mr. Chairman, members of the committee, thank you for the opportunity to testify on the situation in Darfur. Let me start by reviewing a little history.

The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers. The violence intensified during 2003 when two groups -- the Sudan Liberation Movement and the Justice and Equality Movement -- declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements in the north-south negotiations. Khartoum reacted aggressively, intensifying support for Arab militias, the so-called jinjaweid. The Government of Sudan supported the jinjaweid, directly and indirectly, as they carried out a scorched-earth policy towards the rebels and the African civilian population.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations (UN) Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to intensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union (AU) to monitor that ceasefire.

As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were there, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet and exchange notes. We made sure that our message to the Sudanese government was consistent.

Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur and can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes -- indeed many having seen their homes and all their worldly possessions destroyed or confiscated before their eyes -- by the terrible violence that is occurring in Darfur.

During my visit, humanitarian workers from my own Agency -- USAID -- and from other Non-Governmental Organizations (NGOs), told me how they are struggling to bring food, shelter, and medicines to those so desperately in need -- a population of well over one million.

In my midsummer meetings with the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, and since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some of our benchmarks such as engaging in political talks with the rebels and supporting the deployment of observers and troops from the AU to monitor the ceasefire between Khartoum and the rebels. Some improvements in humanitarian access have also occurred though the government

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continues to throw obstacles in the way of the fullest provision of assistance.

The AU Ceasefire Commission has also been set up and is working to monitor more effectively what is actually happening in Darfur. The general, who is in charge of that mission, a Nigerian general by the name of Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home. And what is really needed is for the jinjaweid militias to cease and desist their murderous raids against these people -- and for the Government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the jinjaweid militias or arresting its leaders.

So we are continuing to press that Government and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains (which will not diminish until late September) continue to hamper the relief effort.

The UN estimates there are 1,227,000 Internally Displaced Persons (IDPs) in Darfur. In July, almost 950,000 IDPs received some form of food assistance. About 200,000 Sudanese refugees are being assisted by UNHCR and partner organizations in Chad. The World Food Program (WFP) expects two million IDPs will need food aid by October.

U.S. Government provision of aid to the Darfur crisis in Sudan and Chad totaled \$211.3 million as of September 2, 2004. This includes \$112.9 million in food assistance, \$50.2 million in non-food assistance, and \$36.4 million for refugees in Chad, \$5 million for refugee programs in Darfur, and \$6.8 million for the African Union mission.

The U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, we initiated the Mission through base camp set-up and logistics support by a private contractor. The Mission is staffed with 125 AU monitors now deployed in the field and has completed approximately 20 investigations of cease-fire violations. The AU monitoring staff is supported by a protection force of 305, made up of a Rwandan contingent of 155 (they arrived on August 15) and a Nigerian contingent of 150 (they arrived on August 30). Recognizing the security problems in Darfur, the UN and the U.S. have begun calling for an expanded AU mission in Darfur through the provision of additional observers and protection forces. Khartoum appears to have signaled a willingness to consider an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified \$20.5 million in FY04 funds for initial support of this expanded mission. We look forward to consulting with the Congress on meeting additional needs.

As you know, as we watched through the month of July, we felt more pressure was required. So we went to the UN and asked for a resolution. We got it on July 30.

Resolution 1556 demands that the Government of Sudan take action to disarm the jinjaweid militia and bring jinjaweid leaders to justice. It warns Khartoum that the Security Council will take further actions and measures - UN-speak for sanctions - if Sudan fails to comply. It urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the jinjaweid militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must

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intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire. We are disturbed at reports of rebel kidnappings of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies and cooperate fully, including with the AU monitoring mission.

We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues. We are urging both sides to intensify negotiations in order to reach a political settlement.

At midsummer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5 -- an agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). That agreement covered all the outstanding issues in the north-south process.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming it must focus on Darfur. That would be fine if its focus were the right focus. But it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution (decentralization) and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when we met in midsummer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.

In the meantime, we are doing all that we can. We are working with the international community to make sure that all of those nations who have made pledges of financial assistance meet those pledges. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance. The U.S. has pledged \$299 million in humanitarian aid through FY05, and \$11.8 million to the AU mission, and we are well on the way to exceeding these pledges.

SYG Annan's August 30 report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The report also highlighted Khartoum's failure to rein in and disarm the jinjaweid militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to cooperate fully with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude

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negotiations on a comprehensive peace accord.

And finally there is the matter of whether or not what is happening in Darfur is genocide.

Since the U.S. became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan.

In July, we launched a limited investigation by sending a team to refugee camps in Chad. They worked closely with the American Bar Association and the Coalition for International Justice and were able to interview 1,136 of the 2.2 million people the UN estimates have been affected by this horrible violence. Those interviews indicated:

- A consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by jinjaweid and government forces against non-Arab villagers;
- Three-fourths (74%) of those interviewed reported that the Sudanese military forces were involved in the attacks;
- Villages often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for villagers to return.

When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility -- and genocide may still be occurring. Mr. Chairman, we are making copies of the evidence our team compiled available to this committee today.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties "may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Today, the U.S. is calling on the UN to initiate a full investigation. To this end, the U.S. will propose that the next UN Security Council Resolution on Sudan request a UN investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I said the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part". This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

- specified acts are committed:
 - a) killing;
 - b) causing serious bodily or mental harm;
 - c) deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole.

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or in part;

d) imposing measures to prevent births; or

e) forcibly transferring children to another group;

-- these acts are committed against members of a national, ethnic, racial or religious group; and

-- they are committed "with intent to destroy, in whole or in part, [the group] as such".

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that:

-- The jinjaweid and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals;

-- The jinjaweid and Sudanese military forces destroyed villages, foodstuffs, and other means of survival;

-- The Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering; and

-- Despite having been put on notice multiple times, Khartoum has failed to stop the violence.

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide. These people are in desperate need and we must help them. Call it a civil war. Call it ethnic cleansing. Call it genocide. Call it "none of the above." The reality is the same: there are people in Darfur who desperately need our help.

I expect that the government in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point genocide is our judgment and not the judgment of the International Community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simple way for Khartoum to avoid such wholesale condemnation. That way is to take action.

The government in Khartoum should end the attacks, ensure its people -- all of its people -- are secure, hold to account those who are responsible for past atrocities, and ensure that current negotiations are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short-term is to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

In the intermediate and long term, the security of Darfur can be best advanced by a political settlement at Abuja and by the successful conclusion of the peace negotiations between the SPLM and the Government of Sudan.

(end text)