

COMPROMISING WITH EVIL

AN ARCHIVAL HISTORY OF GREATER SUDAN, 2007 – 2012

**Annex XII:
What Really Animates the Obama
Administration's Sudan Policy
October 10, 2011**

Eric Reeves

Madeline Zehnder, research and editing

Preface

Over the past two years, there has been increasingly strong evidence that U.S. Sudan policy has become distorted by concern for the counter-terrorism intelligence potentially offered by Khartoum. Indeed, there are legitimate questions to be raised about whether the State Department or the U.S. intelligence community sets the terms of Sudan policy. In particular, the role of John Brennan—President’s Obama’s senior advisor for counter-terrorism and deputy director of the National Security Council—seems to warrant much closer scrutiny. Brennan, who as a career CIA official has no diplomatic experience, was the Obama administration official in Khartoum on June 2, 2011, three days before Khartoum began its military assault on in South Kordofan. Since U.S. intelligence undoubtedly had knowledge of the impending assault, why was Brennan the contact in Khartoum? Why wasn’t special envoy Princeton Lyman the Obama administration official in Khartoum at this critical moment? Did the U.S. really try to warn Khartoum off its imminent assault, which plunged the border regions of Sudan back into war?

The CIA’s role in defining U.S. relations with Khartoum goes far back into history, and this analysis attempts to put these relations in an historical context. We gain a sense of the importance of past CIA relationships from the *Los Angeles Times*, which has done the best and most revealing investigative work on the subject. For example, the *Times* reported on June 17, 2005:

The CIA and Mukhabarat [Khartoum’s intelligence and security services] officials have met regularly over the last few years, but [Security head Salah] Gosh had been seeking an invitation to Washington in recognition of his government’s efforts, sources told The Times. The CIA, hoping to seal the partnership, extended the invitation. *The agency’s view was that the Sudanese are helping us on terrorism and it was proud to bring him over, said a government source with knowledge of Goshs visit. “They didnt care about the political implications.*

An internal debate erupted after word of the invitation [to Gosh] spread to other government agencies. Their concern stemmed in part from a 2004 letter that 11 members of Congress sent to Bush, which accused Gosh of being a chief architect of the violence in Darfur. The letter said Sudan had engaged in a scorched-earth policy against innocent civilians in Darfur. It identified 21 Sudanese government, military and

militia leaders as responsible and called on the administration to freeze their assets and ban them from coming to the U.S. *Gosh was No. 2 on the list.*

Several sources, including a State Department official, said the question of the propriety of the visit provoked sharp divisions at that agency. *Similar opposition emerged at the Justice Department, where officials discussed arresting Gosh, according to two sources.*

The Obama administration seems content to retain the priorities established during the years of the Bush presidency.

What Really Animates the Obama Administration's Sudan Policy? *October 10, 2011*

As the National Islamic Front/National Congress Party regime in Khartoum leads greater Sudan—now Sudan and South Sudan—ever closer to catastrophic civil war, genocide, and international conflict, the Obama administration has been peculiarly soft-spoken in its condemnations. Indeed, it has downplayed the significance of Khartoum's actions and engaged in moral equivocation, despite the regime's overwhelming responsibility for the massive violence and destruction of civilian lives and livelihoods: Khartoum continues to deny humanitarian access to many hundreds of thousands of vulnerable civilians throughout North Sudan; evidence mounts of genocidal destruction in the border state of South Kordofan; and Khartoum's Sudan Armed Forces (SAF) and its militia allies continue an all-out assault on another border state, Blue Nile.

Revealingly, the Obama administration in the person of special envoy for Sudan Princeton Lyman has expressed an untenable, finally contrived skepticism about evidence of mass gravesites in South Kordofan—gravesites confirmed by [eyewitness accounts to UN human rights investigators](#) and by [satellite photography from the Satellite Sentinel Project](#). At another revealing point in recent history, Lyman and the Obama administration failed to condemn in remotely appropriate terms Khartoum's slow-moving invasion of the contested border region of Abyei in late May, and then [blamed the forces of South Sudan](#) for a firefight that Khartoum would use as pretext for its decisive assault.

On some matters of consequence the Obama administration has said nothing at all. One key element of civilian protection in Darfur, where genocidal destruction

has continued for more than eight years, was a UN Panel of Experts, authorized by Security Council Resolution 1591 in March 2005 (under Chapter 7 of the UN Charter). Tasked with monitoring an arms embargo on Darfur and a ban on *all* offensive military flights over Darfur, the Panel has been prevented by Khartoum from engaging in meaningful reporting for two years. [Recently all experts on the Panel resigned.](#)

Yet there was not a word from the Obama administration, including Princeton Lyman, who testified before the Congress on October 4, 2011 and mentioned neither the demise of the Panel of Experts nor the continuing, deliberate aerial bombardment of civilian and humanitarian targets that is part of Khartoum's military strategy in the region. Indeed, aerial bombardment of civilian and humanitarian targets has been a feature of Khartoum's military strategy [for well over a decade and continues to this day](#), with bombings reported on a daily basis from South Kordofan and Blue Nile, and a steady stream of reports of attacks on villages flows out of Darfur. Special Envoy Lyman made only passing reference to these egregious atrocity crimes.

Lyman commented only briefly on Khartoum's continuing contempt for an agreement obliging its military forces to leave Abyei by October 1, even as a UN peace-keeping force of Ethiopian troops has already deployed in substantial numbers. In his Congressional testimony Lyman said only that Khartoum's defiant declaration that it would stay until Ethiopian deployment had been completed was "unacceptable, and counter to the spirit and the letter of the agreements." This is not likely to command much attention in Khartoum, where a [military coup has been slowly underway for months](#). As the International Crisis Group noted in a recent "[Conflict Risk Alert](#)" (September 26, 2011):

The loss of South Sudan has had a profound effect on the National Congress Party, and *senior generals led a soft-coup within the party*. They have outflanked more pragmatic elements in the NCP who seek a negotiated strategy. Encouraging progress in the post-separation arrangements between North and South was blocked [by these generals and their political allies].

None of this was acknowledged by Lyman, and he was silent on many other critical issues as well. He declared that the June 28, 2011 "Framework Agreement" between Khartoum and the Sudan People's Liberation Movement/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 this characterization was deeply disingenuous, for he makes no mention of the fact that three days after the agreement was

signed by senior presidential advisor Nafi'e Ali Nafi'e, [President Omar al-Bashir harshly renounced it and committed firmly to a military solution](#) for Khartoum's new "southern problems":

Sudan's President Omar Hassan al-Bashir said the army would continue its campaign in the flashpoint of South Kordofan, state news agency SUNA said on Friday [July 1, 2011], dashing hope of a cease-fire ahead of southern secession. In his first comments since returning from a visit to China, Bashir seemed to contradict comments by a northern official this week that north and south had agreed "in principle" on a cease-fire in the northern oil state.

Ominously, al-Bashir spoke of the Sudan Armed Forces (SAF) continuing a "cleansing" operation:

[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 prayers.

No mention of this was made by Lyman in his Congressional testimony, even as the [International Crisis Group had reported a week earlier](#) that:

[H]ardliners in Khartoum—including SAF generals—immediately rejected a 28 June framework agreement, which includes a political and a security agreement for Southern Kordofan and Blue Nile, facilitated by former South African President Thabo Mbeki and Prime Minister Meles Zenawi of Ethiopia, and signed by Dr. Nafie Ali Nafie, Co-deputy NCP chairman and a presidential adviser.

Not even to mention this July 1 rejection of the "Framework Agreement," while praising the agreement itself, is entirely characteristic of how Lyman communicates publicly.

The Obama administration's view of national interest in Sudan

Just as dismaying as Lyman's testimony, which was little more than diplomatic boilerplate, are the policies actually articulated by the administration and which are too often scandals to justice and diplomatic integrity. We need to ask what lies behind

these policies, what undergirds them. In November 2010, for example, the administration declared it was “de-coupling” Darfur from discussions with the Khartoum regime on the issue that matters most to these *génocidaires*, namely their presence on the U.S. State Department list of terrorism-sponsoring nations. A “senior administration official” (according to a State Department transcript of a background briefing) [declared that](#):

the U.S. was prepared to accelerate the removal of Sudan from the state sponsor of terrorism list if the Government of Sudan did two things. One is to fully implement the Comprehensive Peace Agreement, and two, to live up to all of the legal conditions required under law for Sudan to be taken off the state sponsors list. *By doing this, we would also be de-coupling the state sponsor of terrorism from Darfur and from the Darfur issue.*

In April 2008, candidate Obama expressed “deep concern” that the Bush administration was making an unseemly deal with the Khartoum regime as a means to bolster the fledgling but already failing UN/African Union Mission in Darfur (UNAMID):

This reckless and cynical initiative would reward a regime in Khartoum that has a record of failing to live up to its commitments. First, no country should be removed from the list of state sponsors of terrorism for any reason other than the existence of verifiable proof that the government in question does not support terrorist organizations.¹

These words now seem savagely ironic. As a follow-up to its “de-coupling” of Darfur, late last fall senior administration officials, [including Secretary of State Hillary Clinton](#) and then-U.S. special envoy for Sudan, retired Air Force Major-General Scott Gration, pushed the Government of South Sudan to “compromise” further on Abyei, this despite the very significant compromises already embodied in the Abyei Protocol of the 2005 Comprehensive Peace Agreement (CPA) and particularly in the “final and binding” determination of Abyei’s boundaries by the Permanent Court of Arbitration in The Hague (July 2009). The effect of this misguided U.S. pressure was to make the invasion of Abyei inevitable.

It is difficult to overstate the consequences of this perverse diplomatic squeezing, but the distinguished historian of Sudan Douglas Johnson was all too prescient in his [January 14, 2011 analysis](#), arguing compellingly that if a resolution of the Abyei crisis were to be achieved, there must be:

[1] A recognition by the U.S. government that the recent [diplomatic] *interventions of their mediators have made a resolution [of the Abyei crisis] less, rather than more likely*, and [2] a reversal of their current attempt to mediate through the imposition of a further territorial compromise.²

The counter-productive “diplomatic interventions” Johnson notes refer specifically to efforts by the Obama administration to pressure the Government of South Sudan to “compromise” even further on Abyei. Because of this pressure, peaceful resolution of Abyei’s status now appears much “less likely.” Sadly, the Obama administration seems undeterred by its failures or by such cogent analyses of its diplomatic errors.

To be sure, there is a case to be made that this and other failures derive from previous neglect of the tasks associated with implementation of the CPA, as well as sheer incompetence—on the part of Gration, his Bush administration counterpart Andrew Natsios, and many within an inadequately staffed Africa Bureau at the State Department. An equally strong case can be made that a low-minded expediency has governed many U.S. responses and statements. This was especially true in March 2009 following Khartoum’s expulsion of thirteen key humanitarian organizations from Darfur, roughly half the relief capacity at the time. [Statements following the expulsions by Gration and Senator John Kerry](#) (a frequent *ad hoc* envoy for the Obama administration), claiming that capacity would be fully restored quickly, were little more than efforts to conceal U.S. impotence and the grim humanitarian realities that continue to confront Darfuris. Inevitably, the effect of their comments was to diminish pressure on Khartoum to increase access and expedite replacement relief capacity. Similarly, Gration’s push in summer 2009 for the premature returns for Darfuri displaced persons—more than 2 million people remain forced from their homes by ethnically-targeted violence—was soundly rebuffed not only by Darfuris, but humanitarian organizations and UN agencies, [which confronted Gration directly](#).

But incompetence, neglect, and expediency are still inadequate explanations for the feckless, disingenuous, finally callous pronouncements and policies of the Obama and Bush administrations over many years. Many feel strongly, as I do, that there are distinctly unpublicized parameters governing U.S. diplomatic initiatives and actions, and that U.S. commitment to the principle of a “responsibility to protect” endangered civilians has been massively trumped by competing views of national interest. Suspicion falls most strongly on the U.S. intelligence community, and specifically those with responsibility for counter-terrorism. A brief history of the aggressive U.S. pursuit of Khartoum’s “cooperation” in this effort is suggestive.

June 2005

Despite President Bush's 2005 reiteration of the genocide finding against Khartoum for its actions in Darfur, first announced in September 2004 by former Secretary of State Colin Powell, the CIA flew to Washington, DC—on executive jet—Major-General Saleh 'Gosh,' head of the regime's National Intelligence and Security Services (NISS). This occurred even as Gosh was known to be a prime architect of genocide in Darfur. In an extraordinary depiction of the controversy over this visit, even within the Bush administration, [the *Los Angeles Times* reported on June 17, 2005:](#)

The CIA and Mukhabarat [Khartoum's intelligence and security services] officials have met regularly over the last few years, but Gosh had been seeking an invitation to Washington in recognition of his government's efforts, sources told *The Times*. The CIA, hoping to seal the partnership, extended the invitation. "The agency's view was that the Sudanese are helping us on terrorism and *it was proud to bring him over,*" said a government source with knowledge of Gosh's visit. "*They didn't care about the political implications.*"

These "political implications," of course, included Khartoum's understanding of the significance of Washington's willingness to invite not simply a known *génocidaire*, but a man directly responsible for many tens of thousands of "disappearances," extrajudicial executions, instances of brutal torture, political arrests, and other violations of human rights. These have been regularly chronicled for many years by [Human Rights Watch](#), [Amnesty International](#), and the [African Center for Justice and Peace Studies](#) (UK), among others.

As the *Los Angeles Times* dispatch continued:

An internal debate erupted after word of the invitation [to Gosh] spread to other government agencies. *Their concern stemmed in part from a 2004 letter that 11 members of Congress sent to Bush, which accused Gosh of being a chief architect of the violence in Darfur.* The letter said Sudan had engaged in a 'scorched-earth policy against innocent civilians in Darfur.' It identified 21 Sudanese government, military and militia leaders as responsible and called on the administration to freeze their assets and ban them from coming to the U.S. *Gosh was No. 2 on the list.*

Several sources, including a State Department official, said the question of the propriety of the visit provoked sharp divisions at that agency.

Similar opposition emerged at the Justice Department, where officials discussed arresting Gosh, according to two sources.

The CIA was “proud” of inviting Saleh Gosh; the Justice Department considered arresting him. The State Department view was also rendered insightfully:

Ted Dagne, a Sudan specialist with the Congressional Research service, said State Department officials believed Gosh’s trip would “*send a political signal to the [Sudanese] government that Darfur would not prevent Sudan from winning support in Washington.*”

The signal was received clearly in Khartoum, and in the intervening six years the regime has acted accordingly—sanctioning attacks on humanitarian workers and operations, impeding humanitarian supplies, arresting and abusing humanitarian workers, denying these workers access to desperate populations, and bombing many hundreds of civilian targets. There are [authoritative reports of subsequent meetings between U.S. intelligence officials and Gosh in the UK](#). Notably, he also appears on the confidential list of those wanted for atrocity crimes in Darfur, prepared by the UN Commission of Inquiry and passed to the International Criminal Court in 2005. In 2006 another confidential list of 17 individuals in the Khartoum regime, prepared by the UN Panel of Experts on Darfur, [was leaked to the press](#). Gosh’s name appears prominently yet again.

2001 to the present

In fact, the visit by Gosh only highlighted a key feature of the relationship with Khartoum that has been cultivated by both the Bush and Obama administrations. [In August 2010 the *Washington Post* reported](#) at length on the extensive cooperation between the CIA and Khartoum’s brutally repressive NISS:

[T]he CIA is continuing to train and equip Sudan’s intelligence service in the name of fighting terrorism. The irony is not lost on critics of the arrangement. “The U.S. government is training the Sudanese intelligence services and conducting bilateral operations with them—all in the name of the long war,” said a former intelligence officer who served in Sudan.

“We also refer to the Sudanese as a state sponsor of terror, have called their activities in Darfur genocide, and supported the issuance of arrest warrants for the Sudanese president for genocide, war crimes and crimes against humanity, as defined by the International Criminal Court.”

“Certainly,” the former intelligence officer added, “the CIA is providing training to the National Intelligence and Security Service,” known as the NISS. “I suspect it was begun in the very early days after September 11.” Others say it began in the 1990s.

The *Post* article continues:

“There has also been transfers of equipment” to the NISS, [the official] said, “computers, etcetera.” Another knowledgeable former U.S. intelligence official said the CIA-NISS partnership began even earlier, in the Clinton administration, and called it “incredibly valuable.” “We have had a long term relationship with the Sudanese, even when they closed the embassy for a short period in the late 90s,” the official said on condition of anonymity because the topic is so sensitive.

These “computers, etcetera” were undoubtedly used by the NISS to keep track of dissidents, to monitor private conversations (especially with international interlocutors), and to forestall any nascent political opposition. Whatever surveillance capacity was included in the transferred U.S. equipment would have certainly been put immediately to domestic use. Those who have been tortured, arrested without trial, or executed extra-judicially may well have U.S. intelligence equipment to thank.

The means by which this arrangement are justified by intelligence officials are so absurd as to seem the stuff of satire:

Some U.S. officials with intimate knowledge of the CIA’s program contend that the spy agency’s relationship with the NISS actually fosters human rights. “The intelligence channel has been one tool our government has used to try to influence the Sudanese in terms of human rights and the rule of law,” said one such official. “That was a deliberate policy decision, made with inter-agency support.”

The notion that human rights are “fostered” by a bilateral arrangement in which the U.S. provides equipment and training to one of the most repressive regimes in the world is utterly preposterous. The credulous notion that this equipment will not be readily diverted to support domestic political tyranny reveals a radical ignorance of the character of the Khartoum regime. There is not a shred of evidence to support these ludicrous claims, and there are reams of human rights reports that make clear Khartoum has only grown more repressive during the years in question.

Similarly, the *Post* reports:

“If the Sudanese go outside the box,” [one official with intimate knowledge of the CIA’s program] maintained, “we can pull the plug.”

“Go outside the box”? Just how does the CIA understand “the box” in Sudan? Is eight years of genocidal destruction in Darfur “within the box”? Is the [constant and deliberate aerial bombardment of civilian and humanitarian targets](#) “within the box”? Are the military seizure of Abyei and the continuing indiscriminate military assaults in South Kordofan and Blue Nile “within the box”? Is ethnically-targeted slaughter “within the box”? Is the denial of humanitarian access to many, many hundreds of thousands of Sudanese civilians “within the box”?

Clearly there is no moral compass within an intelligence community defined by such individuals and such attitudes as the *Post* has recorded. And telling answers to questions about what really governs the Obama administration’s Sudan policies come dramatically into focus.

2006 – 2010

During this critical period for implementation of the CPA, both the Bush and Obama administrations squandered countless opportunities to pressure Khartoum to abide by the various terms of the agreement. Among the failures was a lack of pressure on the regime to make possible the self-determination referendum for Abyei guaranteed in the CPA and to respect the Abyei ruling of the Permanent Court of Arbitration. As a consequence, when it became increasingly clear in fall 2010 that the Abyei referendum would not be held, the Obama administration capitulated before Khartoum’s intransigence and began to pressure Juba under the guise of seeking “compromise” (see above). This would have disastrous consequences, as would the failure to demarcate the North/South border, resolve citizenship issues for Southerners who remained in the North, agree on a formula for oil revenue-sharing, and come to a security arrangement for the border regions now so brutally ravaged by conflict.

In Darfur [well over a million people were newly displaced during this time period](#). Humanitarian aid was savagely truncated by the March 2009 expulsions, and more organizations left subsequently, many under duress. These include Médecins du Monde—the only provider of medical care in the populous Jebel Marra; most recently both Medair and International Medical Corps have announced their intention to withdraw. In summer 2010, Khartoum expelled senior officials of the [Interna-](#)

tional Organization for Migration and the UN High Commission for Refugees—without protest from the U.S. and other international actors, and most significantly, without consequence for the regime.

Reports from Darfuris, via Radio Dabanga, [reveal a deteriorating humanitarian situation](#) that is a great deal more tenuous and threatening than Lyman suggests in the brief overview of Darfur he offered Congress on October 4.

Throughout this period the U.S. became increasingly invested in counter-terrorism intelligence provided by Khartoum, even as many of those with access to or knowledge of the intelligence agree with the assessment offered by former Senator Russ Feingold (see immediately below).

2009

Perhaps Sudan's greatest friend in the U.S. Senate prior to 2011 was former Senator Russ Feingold. Since he sat on the Intelligence Committee and also chaired the Africa subcommittee of the Senate Foreign Relations Committee, he was uniquely positioned to assess the trade-off with Khartoum that began under the Bush administration, and has continued under the Obama administration. In this trade-off, Khartoum would provide counter-terrorism "intelligence" and in exchange the U.S. would adopt a more conciliatory attitude toward Khartoum, despite what both Presidents declared to be genocide in Darfur and the regime's renegeing on a host of agreements, including many key terms of the CPA. Senator Feingold made explicitly clear his own skepticism about Khartoum's behavior in cooperating on counter-terrorism:

I take serious issue with the way the report [on international terrorism by the U.S. State Department] overstates the level of cooperation in our counterterrorism relationship with Sudan, a nation which the U.S. classifies as a state sponsor of terrorism. *A more accurate assessment is important not only for effectively countering terrorism in the region, but as part of a review of our overall policy toward Sudan, including U.S. pressure to address the ongoing crisis in Darfur and maintain the fragile peace between the North and the South.*³

In sharp contrast, U.S. special envoy [Gration would testify to the Senate three months later that:](#)

“There's no evidence in our intelligence community that supports [Su-

dan] being on the state sponsors of terrorism. It's a political decision," Gration said. (July 30, 2009)

This is not what he would tell Darfuris in September 2009. Rather, when pressed about his Senate testimony, [Gration declared in an interview with Radio Dabanga](#) (an increasingly important news clearinghouse for Darfur): "I never said [that] we should remove Sudan from the terrorist list." This seems astonishingly disingenuous given Gration's that claim that Sudan remains on the list only because of a purely "political decision"—a decision that Gration insists is not supported by evidence from "our intelligence community."

But is this latter claim true? More consequential than what Gration did say is what he did not say in his Senate testimony—and this gets to the heart of the deal that the Obama administration has struck with Khartoum. Notably, what was at the time the [most recent State Department assessment of international terrorism](#) (August 2010, reporting on the year 2009) found that "*al-Qa'ida-inspired terrorist elements as well as elements of the Palestinian Islamic Jihad, and HAMAS, remained in Sudan in 2009.*" So what to make of Gration's claim of July 2009 that there is "no evidence in our intelligence community" that Khartoum supports terrorism? The presence of these terrorist organizations certainly would have required acquiescence from the National Islamic Front/National Congress Party regime. Moreover, U.S. intelligence knows that as recently as March 2009 Khartoum had a role in supplying Iranian arms for Hamas in Gaza.

[The Guardian \(UK\) reported in December 2010](#) on "Wikileaks" State Department cables from both January and March 2009:

State department cables released by WikiLeaks show that Sudan was warned by the U.S. in January 2009 not to allow the delivery of unspecified Iranian arms that were expected to be passed to Hamas in the Gaza Strip around the time of Israel's Cast Lead offensive, in which 1,400 Palestinians were killed.

U.S. diplomats were instructed to express "exceptional concern" to Khartoum officials, but those warnings evidently went unheeded. For *The Guardian* goes on to report:

In March 2009, Jordan and Egypt were informed by the U.S. of new Iranian plans to ship a cargo of "lethal military equipment" to Syria with onward transfer to Sudan and then to Hamas.

The cables don't specify what the disposition of this "lethal military equipment" was, but Khartoum was initially a willing participant in support of a terrorist organization and has for years maintained particularly close military ties with the Iranian military. Hamas, which has received very substantial military supplies from Iran, is designated by Canada, the European Union, Japan—and the U.S. as a terrorist organization. Khartoum's role in the supply operation to Hamas in March 2009 is explicitly identified by U.S. Intelligence. So, was Gration's testimony an exercise in deception or ignorance? Both are dismaying possibilities.

Again, this is an administration that came to office having excoriated the Bush team for expediency in its own dealings with Khartoum. As noted previously, in April 2008 candidate Obama expressed "deep concern" that the Bush administration was making an unseemly deal with the Khartoum regime: "This reckless and cynical initiative would reward a regime in Khartoum that has a record of failing to live up to its commitments." But despite these politically appealing words, the evidence strongly suggests that it is the Obama administration has been both "reckless" and "cynical," specifically on the [issue of counter-terrorism cooperation by the Khartoum regime](#). Certainly candidate Obama's characterization of the regime is as true today as it was on the campaign trail in April 2008.

May 2011

[The Obama administration did virtually nothing to warn the regime](#) off its military actions against Abyei; rather, special [envoy Lyman expediently tried to blame the Southern Sudan People's Liberation Army \(SPLA\) for a May 19 fire](#) that evidence suggests was simply a pretext for the well-prepared assault, which was completed on May 20.⁴ The initial UN report on the incident by Haile Menkerios, special representative of the Secretary-General for Sudan, was based exclusively on interviews with two senior SAF officers; it is difficult to imagine sources more likely to distort events. But having condemned the SPLA on the basis of Menkerios' account, [the U.S. gave credibility to Khartoum's claim that the SPLA "attack" was a casus belli](#). Only later would Lyman declare weakly that Khartoum's response was "disproportionate," a comment so feeble as to guarantee the regime's forces would feel no pressure to leave.

And they have not. Almost four months after the invasion of Abyei, the SAF refuses to withdraw from the region, despite a formal agreement to withdraw by October 1. Khartoum's Misseriya Arab militia allies, who were not meaningfully included in the agreement, also continue to present an ongoing military threat to any returnees. More than 100,00 Dinka Ngok forced from their homes into South

Sudan have not returned, and cannot so long as their security is so deeply threatened by the military situation on the ground. Moreover, Khartoum has refused to make provision for humanitarian assistance to potential returnees, who can be most readily served from a base of operations in Kadugli, South Kordofan (all international humanitarian access is denied in South Kordofan as well). President [al-Bashir has been adamant](#) that “Abyei is located in north Sudan and will remain in north Sudan”; and despite the various agreements making clear this is not so, the situation on the ground is rapidly making Northern annexation of Abyei a *fait accompli*. This extends to the control of Abyei’s borders and all access to the region.

Why was the administration so completely incompetent in responding to the [crisis in Abyei that had clearly been building for months](#)? Why was it so accommodating of Khartoum’s conspicuously prepared military invasion, [detailed in numerous reports from the Satellite Sentinel Project](#) (April 8, March 22, March 10, March 8, March 4, February 15, January 16, and January 13)? Why was there so little in the way of condemnation of the looting and wholesale destruction in the immediate wake of Khartoum’s May 20 seizure of Abyei?⁵ Why was there no response of consequence to a leaked internal UN report finding evidence of ethnic cleansing? [Associated Press reported](#):

“The Sudan Armed Forces attack and occupation of Abyei and the resultant displacement of over 30,000 Ngok Dinkas from Abyei could lead to ethnic cleansing, if conditions for the return of the displaced Ngok Dinka residents are not created,” according to the [confidential UN] report, which was obtained by The Associated Press on Friday [....] The UN report estimated that between 15 percent and 20 percent of the homes in Abyei were burned in what it called “deliberate destruction” and a violation of international humanitarian law.

“By destroying their homes, looting their properties and inspiring fear and terror, over 30,000 Ngok Dinkas have been forcefully displaced from their ancestral homes, leaving the Abyei area now more or less homogeneously occupied by the Misseriya,” it said. Ethnic cleansing, the report said, is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. The report said that the likelihood that all the Ngok Dinka residents can return to Abyei **“is limited,”** given the massive destruction of civilian property and the occupation of Abyei by northern forces.” (June 3, 2011 [Juba, South Sudan])

The UN figure for those [displaced from their homelands in Abyei](#) has now climbed to 110,000.

In Princeton Lyman’s testimony to the Congress, these realities are distilled into diplomatic abstraction: “Negotiations on [the final status of Abyei] were severely set back by the occupation of Abyei by the Sudan Armed Forces in May.” Why the refusal to speak honestly about the realities of human suffering and destruction endured by the people of Abyei? Why so little about the consequences of Khartoum’s obstruction of humanitarian access? Why so little about the character of the regime in Khartoum, which Lyman consistently misrepresents as somehow prepared for fundamental change:

[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.

This is simply grotesque in its implicit and untenably neutral characterization of the political and military forces that currently control all power in North Sudan. Why would Lyman indulge in such utopian absurdities? There are no encouraging answers, and given the central importance of counter-terrorism in bilateral relations between Khartoum and Washington, there are some obvious, and ominous, possibilities. Certainly Lyman’s words offered a good deal of encouragement to the senior officials and military leaders in Khartoum; virtually all of these men have been indicted publicly or confidentially for atrocity crimes and are assured of a permanent future in The Hague if “participatory” politics, or a “broad-based national dialogue” on key issues were ever to come to Sudan.

June 2011

On June 2, 2011, the President’s senior advisor for counter-terrorism—John Brennan, deputy director of the administration’s National Security Council—traveled

to Khartoum, and two other capitals in the region. This was an extraordinarily fraught moment for Sudan: Khartoum had two weeks earlier invaded and militarily seized Abyei after months of well-documented military preparation. Three days after Brennan's visit the regime's regular and militia forces would launch widespread attacks in South Kordofan, again manufacturing a pretext for their actions out of a small armed conflict that was designed to spark the larger confrontation. Violence in South Kordofan in the wake of any seizure of Abyei [had long been predicted](#), and satellite reconnaissance by the Satellite Sentinel Project made clear that heavy military activity in and near South Kordofan was well underway by late May.⁶

So why was Brennan in Khartoum? Why was this a moment that called for the senior U.S. official on counter-terrorism? He is not a diplomat, but rather has spent most of his career in the CIA; and until appointed to his present position, he had served as the CEO of a DC-area security consulting business. He could carry no message that could not be carried by Lyman, unless Lyman is not sufficiently in the intelligence community loop, and he could offer no incentive that the Obama administration had not already offered. The only reasonable explanation for Brennan's presence at this critical moment is that U.S. policy was governed not by the overwhelming need to prevent the war that was clearly imminent, but by concerns about U.S. counter-terrorism intelligence-gathering—an attempt to ensure that the U.S. would continue to receive what it had been receiving, the intelligence Senator Feingold had so unsparingly characterized. Three days after Brennan's visit, Khartoum began widespread military action in South Kordofan.

The regime soon began to engage in widespread atrocity crimes that have been [authoritatively reported by a UN human rights team](#) that was present in Kadugli during June 2011 and by the Satellite Sentinel Project, which has released [multiple reports with compelling evidence of a number of mass gravesites](#) capable of holding many thousands of bodies. SSP has also obtained first-hand eyewitness accounts of mass gravesites, of precisely the sort that had also been collected by the UN team. And yet the Obama administration was not persuaded. Skepticism about these mass gravesites was expressed by [Lyman in a *Washington Post* interview](#), and his unsupported claims about SSP findings were emblematic of efforts to minimize the scale and consequences of Khartoum's actions in recent months. His statements in the *Post* amounted to deliberate distortion, and again we must ask about motives.

[Lyman is joined in this untenable skepticism by Andrew Natsios, whose remarks are both more recent and considerably more ill-considered. See [Appendix 1](#) for the Satellite Sentinel Project's response to Natsios's fatuous assertions in an interview with a Ugandan newspaper on October 5.]

September 2011

On September 1, 2011 Khartoum launched a third military attack, this time against Blue Nile. Malik Agar, the elected governor of Blue Nile, had repeatedly insisted that the longer South Kordofan was caught up in conflict and large-scale atrocity crimes continued, the harder it would be for Blue Nile to stay out of the fighting. He was of course right, and this third military offensive began by targeting Malik's residence in Damazine. The initial onslaught was—like the assaults on South Kordofan and Abyei—thoroughly well prepared. These actions are fundamentally revealing of the character and ambitions of the regime in Khartoum, and yet in his testimony to the Congress, Lyman said painfully little of consequence about Blue Nile and South Kordofan, and almost nothing that has not been reported in more detail and with greater insight elsewhere.

Because his account was so truncated, and ignored so much that is telling in Khartoum's behavior, it offers no clues about how the administration will respond to what all signs indicate is a continuing determination by Khartoum to prevail militarily in all theaters of conflict. Lyman certainly did not mention repeated statements from Khartoum declaring this determination explicitly. Nor did he mention al-Bashir's [adamant refusal of all international mediation in peace talks](#).

“The armed forces will be saying prayers of thanksgiving soon in Kurmuk” [the major SPLM/A-N-controlled town in Blue Nile], [al-Bashir] was quoted as saying by the official SUNA news agency, during a speech in eastern Sudan. “The rebellion will be put down and the country's outlaws defeated *Sudan will not repeat the experience of being obliged to negotiate and sign protocols under UN supervision*,” he said.⁷

[And from the Sudan Tribune](#), this even more revealing account of al-Bashir's speech:

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. (September 28, 2011)

The “participatory politics” that Lyman suggests are in fact precluded by the unyielding and brutal tyranny of the NIF/NCP regime, and [there is no prospect of change or meaningful reform absent regime change](#).

Implications

The human costs of the assaults on Blue Nile and South Kordofan, as well Abyei, are already staggering. Along with those suffering and displaced in Darfur, millions of Sudanese are at acute risk because of the actions of Khartoum in denying humanitarian access. This is the reality that must be confronted urgently and honestly; neither quality seems to have survived the U.S. preoccupation with counterterrorism intelligence. Certainly they are not in evidence in Obama administration pronouncements.

Also urgent is an independent and unfettered human rights investigation of atrocity crimes in South Kordofan. Lyman weakly calls for such an investigation in his Congressional testimony, but shows no willingness to challenge the objections of China and Russia, veto-wielding members of the Security Council:

[A]ccountability 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.

Calls for “accountability” come cheap when there is no political will to challenge those who would oppose such a meaningful investigation—even of [atrocity crimes reported by the UN itself](#) on the basis of the human rights presence in Kadugli (South Kordofan) during June 2011. Lyman’s facile explanation is a mask for cynical acquiescence.

With what seems again a bizarre and terrifying skepticism, Lyman declares that, “We believe a major humanitarian crisis may be developing in Southern Kordofan and potentially in Blue Nile.” “*May* be developing”? “*Potentially*”? Has Lyman not read the weekly reports from the UN Office for the Coordination of Humanitarian Affairs? Has he listened to none of the many reports from the ground—from journalists, from a few courageous humanitarians, and from countless Sudanese witnesses? Lyman himself cites conservative figures indicating that some 400,000 people have 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 is clearly *now* a “major humanitarian crisis”—one increasing in scope by the day as Khartoum continues its military actions. Estimates for the displaced—in South Kordofan, Blue Nile, Abyei—and refugees in Ethiopia and South Sudan are now considerably greater than the figures Lyman offers. Yet all he can muster in his testimony are words guaranteed to fall on deaf ears in Khartoum:

The Government of Sudan can and should immediately allow humanitarian organizations to undertake humanitarian assessments in affected areas and provide assistance commensurate with the needs of those populations.

Khartoum “can and should” stop its denial of humanitarian access; it “can and should” halt daily bombing of civilian targets in South Kordofan, Blue Nile, and Darfur; it “can and should” negotiate a cease-fire for both Blue Nile and South Kordofan; it “can and should” withdraw from Abyei; it “can and should” resolve outstanding issues between the North and South.

But “can and should” are completely different words, and this regime only understands the first of these. This is true of all who are governed by either a ruthless survivalism or the most cynical version of Realpolitik. And in this, dismayingly, the Obama administration’s Sudan policies have too much in common with those guiding the National Islamic Front/National Congress Party regime.

Appendix 1

The Satellite Sentinel Project responds to Andrew Natsios’s attacks on its research

Sudan: Harvard Team Refutes Critique of Report on Mass Killings

7 October 2011

Following is the text of an October 6 letter to Dr. Andrew Natsios from the Harvard Humanitarian Initiative. Natsios, who served as U.S. Special Envoy to Sudan from October 2006 to December 2007 and previously headed the U.S. Agency for International Development, criticized a [July 14 report](#) by the Satellite Sentinel Project about mass graves in the Southern Kordofan region of Sudan. The report included satellite imagery that the Project said pointed to “systematic killings and mass burials in this conflict-torn region of Sudan.”

To: Ambassador Andrew Natsios, Distinguished Professor of Public Diplomacy, Walsh School of Foreign Service, Georgetown University, Washington D.C.

In a 5 October 2011 interview in the Kampala, Uganda-based newspaper *The Independent*, you stated that “I get my intel from other credible sources in the government and we have clearly determined that George Clooney’s Sentinel Project is making false accusations. That’s what they always do.” You were speaking in reference to the Satellite Sentinel Project’s (SSP) 14 July 2011 report identifying three apparent mass graves in Kadugli, the first of eight alleged sites containing mass graves that SSP has publicly reported so far.

The findings in that report were based on the Harvard Humanitarian Initiative’s (HHI) analysis of DigitalGlobe satellite imagery and direct eyewitness accounts, which were later corroborated by a United Nations High Commissioner for Human Rights (UNHCHR) report. The Harvard-based team leads the review of satellite images and eye witness accounts, produces the analytic reports, and manages the daily operations of SSP. HHI takes full responsibility for the content and veracity of each and every SSP report.

We are perplexed by your statements about SSP’s reports, particularly in light of the fact that your claims seem unverifiable. You provide no concrete evidence to support these claims and you mention only unnamed sources in the US Government, who do not represent the official US position on evidence of mass graves in South Kordofan. The US State Department has called for an independent investigation of alleged mass graves and other potential war crimes in South Kordofan, and has never confirmed nor denied the existence of mass graves in Kadugli.

SSP’s evidence, analyzed by HHI, is the following:

The 14 July report was the result of over a month of intensive satellite surveillance of Kadugli by SSP in the area in and around the Tilo School where the three graves were independently identified by eyewitness accounts. Archival imagery of the site was also reviewed. The site was independently identified by an eyewitness who did not have access to this imagery, and whose account was corroborated by two other eyewitnesses.

One of the eyewitnesses told SSP that Sudan Armed Forces (SAF) killed an unknown number of civilians near the Tilo Secondary School, in Kadugli on 8 June. A second, separate eyewitness report directly received by SSP, corroborated by DigitalGlobe imagery, alleged that at least two pits were dug on 8 June less than a kilometer south of the Tilo School in Kadugli and approximately 100 meters from a nearby radio tower. The eyewitness reported seeing an earthmover there digging pits.

By the evening of 8 June, the same eyewitness reported that large green trucks were moving back and forth from the site. The eyewitness claimed that dead bodies had been picked up from the market area of Kadugli and other areas in Kadugli around

that time. Men at the site were reportedly unloading dead bodies from the trucks and depositing them in the open pits. The eyewitness said that he estimated that 100 or more bodies were deposited at the site that evening.

HHI's analysis of satellite imagery taken during that time is consistent with these allegations that mass graves had been recently dug in that location. The UNHCHR report released after SSP's report contains the same allegations and specific details from other sources, including the presence of an earthmover and the transport of bodies from Kadugli town to that site during that time period. Since the 14 July SSP report containing this particular evidence of apparent mass graves, SSP has published images and analysis consistent with independently verified eyewitness accounts of at least five other sites containing additional alleged mass graves.

The international community, including the US Congress, treats as fact that civilians in South Kordofan are being intentionally targeted by SAF-aligned forces; that credible evidence of potential war crimes exists, including mass graves; that a humanitarian crisis is underway; and that an independent international investigation of these alleged atrocities is urgently required. The Government of Sudan, however, continues to restrict even the most basic humanitarian access to the area.

In this dire context, unverifiable claims, including unsubstantiated accusations that Harvard researchers have lied about their findings, undermines the international effort to alleviate human suffering on-the-ground and hold alleged perpetrators to account. As both a former diplomat and current scholar, HHI invites you to come to Harvard to review SSP's reports and the evidence on which they are based, and publicly share your findings.

Signed:

Charlie Clements, MD, MPH. Director Human Rights Documentation, Satellite Sentinel Project. Harvard Humanitarian Initiative. Executive Director of the Carr Center for Human Rights Policy, Kennedy School, Harvard University; Vincenzo Bolletino, PhD. Executive Director of the Harvard Humanitarian Initiative; Nathaniel A. Raymond. Director of Operations, Satellite Sentinel Project, Harvard Humanitarian Initiative.

Notes

- 1 http://www.barackobama.com/2008/04/18/statement_of_senator_barack_ob_10.php — NB: this link was removed following the November “de-coupling” decision.
- 2 Douglas Johnson, “The Road Back from Abyei: Any resolution of the Abyei dispute must address the root causes,” January 14, 2011.
- 3 [Statement by Senator Russell Feingold](#), Chair of the Africa Subcommittee of the Senate Foreign Relations Committee and member of the Senate Intelligence Committee, May 1, 2009.
- 4 Abyei is somewhat smaller than the state of Connecticut.
- 5 Again, there are [authoritative reports from the Satellite Sentinel Project](#), including ground and aerial photographs, of the looting and destruction.
- 6 See particularly the [report of May 26](#).
- 7 Agence France-Presse [Khartoum] September 28, 2011.