

Darfur Bar Association

Justice for us and others

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الرحيم حمد الله بس م

To:

H. E. Ambassador Liu Guijin

Special Representative of the Chinese Government on the Darfur Issue

C/o Embassy of China to Sudan

Khartoum, Sudan Khartoum, 4 March 008

Dear Ambassador Guijin,

On behalf of the Board of Directors, members, and subsidiary offices of the Darfur Bar Association (DBA), we warmly welcome you in our country, Sudan, and wish you a successful mission. DBA highly appreciates your visit to our country that comes in a critical moment in its recent history. Undoubtedly your well-deserved appointment by the Government of China as Special Envoy for Darfur confirms the concern of the Chinese people about the current situation in Sudan in general and Darfur in particular. However, we do believe that should this visit is to take place uninfluenced by the Government of Sudan you were able to have the time to effect visits to certain parts of Darfur, this visit would definitely provide you the chance to obtain a comprehensive view of what is actually taking place in Darfur. This will also enable you to acquire further understanding of the realities in the ground in the region and the necessity to ameliorate the tragic humanitarian situation in Darfur. It is a record in recent human history that certain groups of people in Darfur were fell victims to selective lynching, destruction of lives and livelihoods, arbitrary detention and tragic violations of basic human rights.

It is disturbing that these abhorrent crimes are being systematically committed by the Government of Sudan in Darfur and that members of the international community including your Government are fully aware of the extent and magnitude of these crimes. The atrocities committed in Darfur were recognized by your Government in many ways and on a number of occasions including deliberations at the UN Security Council. We do also recognize that your Government has taken steps of its own to hold the Government of Sudan back in its practices in the region, but alas, these remains to be carefully calculated which render them disproportionate with the urgency of the situation on the ground in Darfur. We hope these were not interpreted as diplomatic gaffes.

Dear Ambassador Guijin,

Your current visit to our country has been perceived by some independent national observers to be designed to work out ways and means to help the Government of Sudan out of the quagmire in Darfur. But if the interaction and discussion were not reflective of the real situation on the ground, particularly the suffering of the millions of the conflict victims, followed by a strong commitment to end the conflict in Darfur and where all the parties involved, were not allowed to express their views, the outcome of such an exercise would surely be another step into nowhere. It will only delay genuine solutions and prolongs the plight of the victims in Darfur; the same plight that you work tirelessly to put an end to.

Information obtained from one party involved in the conflict in Darfur without hearing the views of the people of Darfur and their representative civil society groups remain dubious. We sincerely request you to seek and collect information and facts about the situation in Darfur from different sources especially from those groups that work hard to bring an end the waves of human rights violations in Darfur. We expect you to convey to your Government the facts on the ground and the actually situation prevails in Darfur, as experienced by the victims themselves. Such an approach will help alter the general negative perception among the victims of the conflict in Darfur towards the Government of China.

Dear Ambassador Guijin,

DBA and its members are fully aware of the media pronouncements that you aired before your visit to Sudan. These pronouncements were widely perceived as amounting to an attempt to absolve the Government of Sudan of its responsibility in the crisis in Darfur.

Those pronouncements raised concerns among observers about the 9% contribution of the Government of China in the sales of weaponry used by the Government of Sudan to wipe out innocent victims in Darfur. That percentage pronounced is in itself effective in making the lynch machine work as effectively as possible. The question is, does your Government see that the 9% is a small percentage that needs to be increased to match the economic ties that bind the two Governments! That historic 9% is a sheer contribution in the saga of lynching, and in the number of victims in the region in terms of the death toll, the number of the injured, the number of the internally displaced and the number of refugees pushed into the neighboring countries; coupled with the destruction of villages and towns, erosion of agriculture and livestock, bringing to standstill every symptom of livelihood in that part of the world.

Your pronouncement that the Darfur Crisis should not be related to the Olympic games to be hosted by China in summer 2008 simply because 'Darfur problem is not a Chinese problem', is well heeded. Under the circumstances and judging from information we get from some parts of the world, we are inclined to believe that many peace-loving people in the world would not be jubilant for this years Olympics while the host

country's weapons unjustly mince fellow human beings in their fatherland in Darfur. Similarly, your pronouncement that even if China stopped selling arms to the Government of Sudan, the war would not come to an end, seems to have bypassed plausibility. We strongly recommend that your Government stop selling weapon and military equipment to the Government of Sudan or put certain conditions to ensure that such weapons will not be used against innocent civilians including women and children in Darfur.

Such measures would not affect the other important economic ties between the two countries, at the same time depriving the Government of Sudan from such weapons would, more likely, help bring a negotiable settlement to crisis in the Darfur region.

Dear Ambassador Guijin,

Your country is among the view privileged permanent member of the UN Security Council. We consider it deplorable that some members of the UN Security Council including China, a veto-yielding member of the Council, do not take robust measures to give effect to some of the important resolutions adopted by the Security Council on Darfur. These resolutions were adopted with the full backing of your government and were designed to take corrective measures to improve the humanitarian situation in Darfur. An example is Resolution 1769(2007), in which your country inserted an amendment that curbed the role of the international community to be effective in Darfur by positively dealing with the inflow of arms into the area. The real challenge in Darfur requires the international community to develop a strategy whereby it can control the arms in the hands of the militia, specially the Janjaweed, to stop violence and maintain stability in Darfur.

Your country was always eager to advance its economic ties with Khartoum to the detriment of the people of Darfur. The proof is simple, till this very moment, resolutions proposed at the Security Council to put an end to the conflict in Darfur, and hold groups and individuals accountable for their criminal acts, came to a deadlock because of China's objection. The reason being not to jeopardize the economic ties with Khartoum even if these ties happen to be advancing on the corpses of the victims of Darfur. This has already become a daily talking issue among the Darfurians wherever they are. Future economic ties with China are well heeded in this country, the problem is whether China cares for human and humanitarian ties with the people of Sudan, specially in Darfur?

Dear Ambassador Guijin,

There is a need for a decisive and operational approach to be observed by your Government and by other members of the UN Security Council, followed by additional measures on their part. These issues that need to be discussed by the Security Council includes the repopulation of Darfur by aliens especially in the villages and areas from which the internally displaced persons and refugees were chased away. The villages and dwelling areas in Darfur, whose inhabitants were forced to leave, are now being occupied by alien nomads brought by the Government to Darfur from outside Sudan. These groups

were prepared to carry on military operations on the government's behalf and are being rewarded with the land of the displaced Darfurians for permanent resettlement. We would like to make it clear that the international community has to find ways and means to enforce many resolutions put forward by the international and regional organizations, on the situation in Darfur. DBA is very much concerned with the failure to implement the Security Council Resolutions No. 1591 (2005) and No. 1593 (2005). These two resolutions addressed important issues such as disarmament of the Janjaweed and to bring to trial all those persons who ordered, organized, sanctioned, facilitated or committed war crimes and crimes against humanity in Darfur. Two such persons are now under arrest warrants from the International Criminal Court. We believe that the failure to implement these two resolutions is a grave mistake and tends to hinder any prospects of peace and stability in Darfur. It is now a matter of fact that the Governments of Sudan and China are deliberately turning the entire international community into another Darfur, of a more wider scale. We strongly urge you to take the appropriate and necessary measures to handle these pressing issues within your Government and in the Security Council that pave the way for peace restoration and just settlement of the still dragging crisis in Darfur.

It is our belief that your Government can do a lot in either of two directions: either to put a sway on the Government of Sudan to adjust its practices in Darfur and come to a peaceful settlement of the crisis in Darfur, a move that your Government is capable of doing.

Alternatively China can choose to go ahead to strengthen the bullying stance of Sudan Government by increasing its historic 9% export of weapons and blocking any move in the Security Council to end the Darfur Crisis.

In the light of the above, we would like to put forward the following suggestions, in which we strongly believe and support:

1. It is necessary and highly significant step for any peace process that Government of Sudan should not be allowed to put obstacles before the UN/AU Hybrid Operation in Darfur (UNAMID). At the same time it should commit itself to fully implement the requirements of the UNAMID, and should accept the participation of effective forces, from any UN member state, in the peace keeping process, without any reservations or distracting conditionality. The Government of Sudan should not also interfere in the field operations of the UNAMID. Any attempt otherwise would be akin to standing against the international consensus and driving away the world, keeping on the scene only Sudan Government with its Janjaweed, equipped to the teeth with "Made in China" arms, on the one hand and the unarmed innocent victims of Darfur on the other.
2. The disarmament of the Janjaweed and other groups armed by the Government of Sudan performing lynching operations in Darfur is the key to the long awaited peace and security in Darfur.

3. UNAMID needs to be equipped with more material and facilities to be able to correct the human rights and humanitarian situation in Darfur. Such facilities include capabilities to monitor and investigate human rights and the basic rights violations in general and gender related violations in the light of the UN Resolution No. 1325.

4. The victims of Darfur conflict have made their position clear to all those concerned, that “ there will be no peace in Darfur without due justice.” This implies that all those who are accused of committing war crimes and crimes against humanity in Darfur should be brought to trial before to the International Criminal Court. This is a nonnegotiable demand of Darfur people especially the victim of the conflict, through whom, *inter alia*, peace is expected to advance towards permanency. It is deplorable that the UN Resolution No. 1796 (2007) stated in an awkward phrase such as the “ need to bring perpetrators of the international crimes” to hold the perpetrators accountable for their acts before the International Criminal Court (ICC). A phrase was inserted by the Chinese delegation to the UN Security Council. We in DBA do strongly believe that ICC shall play a key role in setting the trials for all those responsible for the grave crimes and violations committed in Darfur. This is why we demand respect for the UN resolutions and the resolutions passed by UN organs such as the Security Council and the International Criminal Court on Darfur.

5. It seems that the armed movements that negotiate on behalf of the victims of the conflict need more time for consultation. They constantly declare their readiness to negotiate peacefully with the Government to reach peaceful solutions to the conflict in the region. However, the Government of Sudan uses every tactic to split the movements and keep them fragmented. Facts on the ground show that the Government of Sudan itself cannot control the breakaway factions after using them for a while. Another tactic employed by the Government of Sudan is that it creates pseudo-movements nonexistent on the ground or the battlefield in order to create more chaos for itself, the movements and the international and regional communities, thus blocking the road to any prospects of peace. A number of opportunities for peaceful solution have slipped away since the beginning of the negotiations sometime ago. This is because of the hard line position assumed by the Government of the Sudan. It is required on the part of China and the international community to grasp every chance to impose peace in he region. Nobody would dare to say peace could be imposed. This is simply because peace is a value in itself and of itself, and also because no body would opt to live with the other face of the coin. The antithesis of peace is always chaos. Peace with due rights of every party duly guaranteed and safeguarded would surely pass test of sustainability. Political settlements pitched on personality would in no way be of significance to ever lasting peace.

6. It is also deplorable that the Government of Sudan made hay of the developments in neighboring Chad and the subsequent security and political repercussions, and the loosening of the international fervor on Darfur, to intensify its military operations in West Darfur. Recently the army attacked and destroyed a number of villages and

towns in Darfur such as Saraf Jidad, Sileia'a, Sirba, Abu Suruj, Jebel Moon, and neighboring areas. Wide scale military operations were carried out in West Darfur since January 2008. Thousands of innocent civilians were killed, forcefully displaced and many thousands were forced to flee the perdition to safe havens in neighboring countries and elsewhere. No doubt China was a witness to this saga, but no worry, its contribution is only a historic 9%! We can only suggest that you take the opportunity of visiting our country, where you are very welcome, to convince the Government of Sudan and put pressure on it to commit itself to strong, well monitored ceasefire, as there is nothing called ceasefire in the vocabulary of the Government of Sudan. The proof is by no means difficult to locate. The statement of the Armed Forces in the wake of the onslaught, where it stated that any location called liberated area by the armed movements remains a military target. The armed movements proclaim that 85% of the area of Darfur is liberated, which means that 85% of the area of Darfur is a military target and subject to military operations. Put it differently, the incessant war remains itself, and no lessons have ever been learnt throughout the last five years of military, political and diplomatic battles being fought over Darfur. The statement of the Military authorities confirms one basic thing that, more shelling and more wiping out of human beings, more destruction of villages and towns is expected in the days to come, with only historic 9% of Chinese backing and support. Your country can do its best to stop the potential bloodshed in the region in the days ahead.

7. We believe that the operation that led to Darfur Peace Agreement in Abuja in May 2005 is tragically flawed and needs to be assessed independently by the international community so that the mediation team and observers could glean the lessons learnt and avoid committing similar mistakes in the future. It may be of interest to remind you that the general political situation in Sudan is characterized by instability. Violence and insecurity frequently flare up in various parts of the country. The recent armed clashes between the Mesiriya tribe and the Dinka in Abyei is just one case in point. The Government remains adamant in putting obstacles in the field of human rights, and the ruling party, The National Congress Party, remains committed to its strategy of excluding others, and the exploitation of the State apparatus to sharpen its claw over the economic and political landscape. This attitude has brought to the purview of the ordinary citizen, that injustice, exclusion, and marginalization is a strict Government policy. There is a growing awareness among the entire population that this Government is untrustworthy. This awareness is being shared even by the Sudan People's Liberation Movement (SPLM), even though it is a ruling partner in the Government apparatus, on the basis of power-sharing set out in the Comprehensive Peace Agreement (CPA). The uneasiness of SPLM is fueled by the Government reluctance to implement many parts of the CPA articles. The SPLM has demonstrated that in October 2007 when it withdrew from the Government, which testifies the widespread popular belief over the Government. This is the sort of Government we are living with and you are dealing with.

In conclusion we only intend to show you the dimmest parts of the Darfur crisis that

befell the people of Darfur on the hands of the Government of Sudan and with the support and backing of the Government of China. We also intend to bring to your attention the way your Government handles the Darfur Crisis, given its economic ties with the Government in Khartoum and its membership in the Security Council, being a veto-powered nation. The position of your Government as we see it does not conform with the slogans it raises, as being a socialist country and supporter of the peoples of the world to be free. The people of Darfur are one of the poor peoples of the world and are subjected to annihilation before the eyes of the international community. It is ironic that when the international community moves to redress the violations that befell the people of Darfur, we see one of the of the strongest nations of the world, i.e. China, stands against the whole international community to block any move to correct the grievances of the people of Darfur.

Your Government will host the 2008 Olympics games this year, and we wish you every success. Olympics games, as we understand it from the books of history, and the festivals conducted in the name of the Olympics through history up to the present day, tend to strengthen the spirit of humanity, cooperation, communication between the different cultures and the peoples of the world. There is a common human cause of human value in the Olympics as a human event. Darfur Crisis has recently cropped up as an issue as regards hosting the events in your country. Your remarks concerning the absence of any link whatsoever between Darfur Crisis and the Olympics games were heard, but the link between Darfur Crisis and the role of Chinese Government in blocking any international or regional move to settle the crisis can not be denied by any reasonable person or entity. That is the point that escaped the notice of your Government.

We sincerely hope that China will positively contribute towards a peaceful settlement of the Darfur Crisis that still drags on.

While wishing you good stay in our country, please accept, **Dear Ambassador Guijin** our highest respect and consideration.

List of signatures

1. Mr. Mohamed Abdalla Eldoma
2. Mr. Salih Mohamoud Osman
3. Mr. Al Sadig Ali Hassan
4. Mr. Ali Yousif Muro
5. Mr. Hussien Salih Khadam
6. Mr. Abdelrahman Mohamed El Gasim
7. Mr. Nasereldien Yousif Dafaala
8. Mr. Tagaldien Sedig Gamal Eldien
9. Ms. Mahasin Awad Abdelgadir
10. Mr. Adam Mohamed Rashid
11. Mr. Jibril Hamid Hassabo
12. Ms. Awatif Yahia Abdalla
13. Mr. Abutalib Hassan Emam
14. Mr. Adam Suliman Adam
15. Mr. Fadel Asied Al Said Eldwihi
16. Ms. Ibtisam Eisa Alsmami
17. Ms. Suad Adam Alsaïd
18. Mr. Hamid Elsharef Mohamed Adam
19. Mr. Ibrahim Mohamed Ibrahim
20. Mr. Hassan Abdalla Gada
21. Mr. Awad Alkrim Mahjuob
22. Mr. Hussam Adam Omer
23. Mr. Adam Mohamed Sharef

24. Mr. Altayeb Ali Hassan
25. Mr. Khalil Mohamed Bakhiet Tukras
26. Mr. Salih Hamid
27. Mr. Yassir Khatir Ali
28. Mr. Izz Aldin Ibrahim
29. Mr. Musa Salih Obied
30. Mr. Zain Alabdin Ibrahim
31. Ms. Hikma Ahmed Rabeh
32. Mr. Alnour Mohamed Ali
33. Mr. Tarig Ibrahim El Shiekh
34. Mr. Mohamed Yagub Ali
35. Ms. Fatima Adam Abdalla
36. Ms. Fatima Abdelrahman Mohamed
37. Mr. Abdelgadir Shugar
38. Mr. Ahmed Abdelaziz Mohamed
39. Mr. Eisa Abdalla Salih
40. Ms. Suad Omer Yagub
41. Mr. Adam Saih Balila
42. Ms. Rahma Ali Ahmed
43. Mr. Tibin Abdalla Suliman
44. Mr. Mubarak Elfadil Ahmed
45. Mr. Kamal Abdalla Eldoma
46. Ms. Rashida Adam Ibrahim
47. Mr. Mohamed Ahmed Agab
48. Mr. Izz Adin Nafiaa
49. Mr. Galal Adin Shaib
50. Mr. Abdelwahab Saeed
51. Mr. Alhadi Ahmed Omer
52. Mr. Saif Aldin Osman
53. Mr. Yousif Adam Basher
54. Mr. Wudaa Ibrahim Wudaa
55. Mr. Mohamed Ibrahim
56. Mr. Saif Aldin Altaib
57. Mr. Gafar Ibrahim Mohamed
58. Mr. Abdelrahman Mohamed Adam
59. Mr. Adam Mohamed Adam
60. Mr. Taha Sineen
61. Mr. Trig Hassan Almalk