



March 18, 2009

Secretary of State Hillary Clinton  
U.S. Department of State

By fax: 202.647.2283

Dear Secretary Clinton:

Human Rights First commends U.S. efforts to prevent the UN Security Council from deferring the case before the International Criminal Court (ICC) against General Omar al-Bashir. Likewise, we applaud the strong public rebuke that President Obama and you have directed against Khartoum in response to its recent expulsion of humanitarian aid groups from Sudan. This ploy by Khartoum to hold the safety and well-being of more than a million Darfuris hostage is clearly designed to blackmail the international community into deferring the pursuit of justice. The U.S. government must ensure that it fails.

I write in advance of a high-level meeting that the League of Arab States (“Arab League”) and the African Union (“AU”) will reportedly soon hold with the Security Council regarding the situation in Darfur to urge that you do all you can to ensure that this meeting does not result in a deferral of the indictment against General al-Bashir. Human Rights First is deeply concerned that, instead of using this meeting to address the Sudanese government’s expulsion of thirteen international aid organizations and dissolution of three national agencies, the Arab League and AU will press the Security Council for a twelve month deferral of the case against General al-Bashir. Acquiescing in the attempt by Khartoum to leverage the lives of its own citizens to derail the work of the ICC would be a grave mistake. We hope you will impress upon the Arab League and the AU the importance of focusing collectively on ensuring that the Government of Sudan rescinds its decision to expel the aid agencies in a manner that does not compromise the work of the ICC in Sudan.

In particular, we urge you to:

- Make clear to the African Union and the Arab League that the U.S. government will continue to block any efforts by members of the Security Council to defer the ICC proceedings against General al-Bashir.
- Continue to pressure the Government of Sudan to rescind its decision to halt the work of the sixteen NGOs and urge the AU, the Arab League, and Sudan’s traditional allies on the Security Council—especially China, Russia and Libya—to do the same.

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- Counter both publicly and privately any suggestions made by General al-Bashir's allies that the ICC is to blame for the Government of Sudan's decision to disrupt the life-saving assistance that the expelled NGOs provided to civilians in Sudan.

The Arab League and the AU have voiced opposition to allowing the case against General al-Bashir to move forward at the ICC, suggesting that it will undermine ongoing peace efforts in Darfur. But General al Bashir's ongoing assault against Dafuri civilians—including his decision to expel aid organizations from Sudan—are what has undermined the immediate prospects for peace, not the workings of the ICC. Peace will not be possible while the Government of Sudan is engineering a potential humanitarian emergency that would result in widespread human rights abuses. Indeed, Khartoum's decision to expel aid workers from Sudan—and therefore renege on its responsibility to protect its civilians—reinforces the need for justice and accountability for crimes committed in Darfur at the highest levels of the Sudanese government.

Thank you for your consideration of these recommendations.

Respectfully,



Elisa Massimino  
CEO and Executive Director  
Human Rights First

- cc: Susan Rice  
Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the United States to the United Nations
- cc: Samantha Power  
Senior Director for Multilateral Affairs, National Security Council