

Dennis W. Archer
President

AMERICAN BAR ASSOCIATION

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May 20, 2004

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I write to appeal for immediate additional action by the United States Government to address the legal and humanitarian challenges arising from the crisis in the Darfur region of western Sudan. As you know, an estimated one million Sudanese Muslims have been displaced and many thousands have been killed, injured, and/or raped. Your administration has already taken a leadership role in bringing this crisis to the world's attention. Much more will be required in the days ahead to avert preventable atrocities and mass suffering among the Sudanese civilians who for too long have been victims of ethnic cleansing, crimes against humanity, and war crimes perpetrated by Sudanese authorities and their militia.

The facts about what has happened and is occurring in Darfur are now well known and I will not repeat them here except to note two key sources of information. One is the Human Rights Watch report, "Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan" (May 2004, Vol. 16, No. 6(A)). Another is the report delivered on May 7th to the U.N. Security Council by the acting U.N. High Commissioner for Human Rights, Bertrand G. Ramcharan.

We understand from media reports that the U.S. delegation in New York may have sought Security Council action on May 7th in response to these and other reports of atrocities and humanitarian calamities but some members of the Council prevented further consideration. We also know that the U.S. Ambassador to the U.N. Human Rights Commission, Richard Williamson, took a forthright position against ethnic cleansing in Darfur during the Commission's recent meetings. USAID Administrator Andrew Natsios has been particularly active in seeking humanitarian access to Sudanese victims.

We deeply appreciate these efforts by your administration but there remains considerable alarm at the situation in Darfur where mass murder, rape, and pillage are continuing with impunity. As a community of American lawyers, we stand ready to help your administration confront these atrocities. The ABA's Center for Human Rights remains sharply focused on this crisis. We hope that you will be able to make a difference at this critical moment when the survival of an entire Muslim population and the rule of law in east Africa are at grave risk.

Now is an opportunity to demonstrate America's commitment to the human rights of all people, to international law that criminalizes crimes against humanity and serious war crimes, and to the end of ethnic cleansing as a policy weapon by the Sudanese government. We at the American Bar Association, therefore, respectfully submit that proposals for humanitarian relief of refugees in eastern Chad and

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internally displaced persons and other civilians under assault in Darfur are of the utmost importance for your administration to pursue in the days ahead. We strongly recommend, and therefore ask you to consider initiating, the following actions as soon as possible in order to uphold the rule of law and thus help deter further atrocities in Darfur:

- Bring all appropriate pressure to bear on the Khartoum government immediately to (a) permit U.N. human rights monitors to work in Darfur with security assurances; (b) cease ethnic cleansing operations, and attacks on civilians and civilian property in Darfur; and (c) reverse ethnic cleansing by allowing the displaced to return voluntarily to their homes in conditions of safety.
- Call on the U.N. Security Council immediately to adopt a resolution to establish an impartial Commission of Experts to study information and evidence related to crimes against humanity, war crimes, and other violations of international humanitarian law committed in Darfur during the last two years, and to make recommendations to the Council for timely judicial action. The resolution also should confirm the refugee status of the civilians who have fled Darfur for safety in Chad and reaffirm the legal obligations to protect their rights as refugees.
- Use your participation in the G-8 and European Union summits in June to establish firm support by G-8 and EU governments for international efforts to address the atrocities in Darfur and call for effective enforcement action by the U.N. Security Council to stop any continuing atrocities and to hold accountable those individuals most responsible for crimes against humanity and war crimes in Darfur.

We urge that fresh actions of the kind mentioned above should be undertaken by the United States Government in this hour of grave peril, when human survival and the defense of the rule of law hang in the balance.

Thank you for considering this appeal to action.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis W. Archer". The signature is fluid and cursive, with the first name "Dennis" being the most prominent.

Dennis W. Archer
President
American Bar Association

cc: Hon. Richard G. Lugar
Hon. Joseph R. Biden, Jr.