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LETTER DATED 15 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF THE
SUDAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith a comment by the Sudan on the Secretary-General's report contained in document S/1996/179 dated 11 March 1996.

I would be grateful if you could circulate it as a document of the Security Council.

(Signed) Ali M. O. YASSIN

Annex

[Original: Arabic]

Commentary by the Sudan on the report of the Secretary-General
pursuant to Security Council resolution 1044 (1996)

1. The Sudan has taken note of the report of the Secretary-General pursuant to Security Council resolution 1044 (1996), which was circulated in document S/1996/179 of 11 March 1996.
2. The Sudan expresses its gratitude to the Secretary-General for his report and its reflection of the views of the Government of the Sudan as conveyed to Mr. Chinmaya R. Gharekhan, Special Envoy of the Secretary-General, during his visit to the Sudan from 24 to 27 February 1996, but nevertheless finds itself obliged to comment on the statements made in that report.
3. Ever since the issue of the attempted assassination of Egyptian President Hosni Mubarak in Addis Ababa first arose, the Sudan has affirmed its strong condemnation of all forms of terrorism and of assassination attempts. Such condemnation came directly from the President of the Republic in Addis Ababa on the very day the incident occurred and also from its Minister for Foreign Affairs, who conveyed the Sudan's condemnation of the incident to his Egyptian counterpart when they were both attending the Assembly of Heads of State and Government of the Organization of African Unity (OAU) in Addis Ababa in June 1995. The Sudan has, moreover, frequently stated that it refuses to allow the use of its territory for any terrorist activities or activities directed against any other State, in accordance with its commitment to the principles of good-neighbourliness and non-interference in the internal affairs of other States and its firm conviction that the form of government of any State is to be determined by the people of that State alone and that no forces or grouping may be allowed to operate from outside that State with a view to changing its internal system of government.
4. The Sudan acceded to the Ethiopian request for the extradition of the three suspects by offering full cooperation, despite the fact that the request arrived more than one month after the incident occurred and thus adversely affected the chances of the early capture of the suspects and despite the fact that the information provided by Ethiopia together with its request was not sufficient for the arrest of those sought. The Sudan formed a high-level commission of inquiry that was assigned the task of searching for the suspects, and announcements were posted for the wanted suspects in all agencies and police stations. They were sought in residential neighbourhoods, hotels and all areas in which foreigners were reported to be living. As a result of the commission's action, a Khartoum Airport arrival card was obtained with a name that corresponded to that of one of the suspects, and it was handed over to Ethiopia, together with the commission's report, by a high-level delegation bearing a message from the President of the Republic to the Ethiopian President only ten days after receipt of the Ethiopian request. The delegation informed the Ethiopian authorities of the results obtained by the commission of inquiry and of the difficulty it faced as a result of the paucity of information provided by

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the Ethiopian side concerning the three suspects. The delegation requested the Ethiopian authorities to furnish more precise information concerning the suspects and to send a team of Ethiopian investigators to assist the Sudanese team.

5. The Sudan's cooperation with the Ethiopian authorities stands as patent proof of its strong desire to settle this question, while it has become clear from Ethiopia's refusal to cooperate and from its withholding of the information needed by the Sudan in order to trace the suspects that its objective has not been to arrest the three suspects but to escalate and internationalize the issue in the service of the goals of outside forces endeavouring to incriminate the Sudan and fabricate charges that it is sponsoring terrorism. Ethiopia's statement that it "had overwhelming material and human evidence, which could not be divulged for reasons of security" testifies to the legitimacy of the Sudan's request to be furnished with additional information, just as it testifies to Ethiopia's involvement in withholding information from the Sudan with the goal of providing pretexts for targeting it.

6. Paragraph 6 of the report speaks of the fact that Security Council resolution 1044 (1996) expressed the Council's firm support for the OAU in its continued efforts to implement its decisions. The Sudan nevertheless expresses its regret that the Security Council resolution contradicts the statement of the OAU Mechanism for Conflict Prevention, Management and Resolution of 19 December 1995, particularly since the Council, in paragraph 4 (a) of its resolution, calls upon the Sudan to undertake immediate action to extradite to Ethiopia for prosecution the suspects sheltering in the Sudan, while the OAU Mechanism in its statement urges the Sudanese Government to look for, locate and then extradite them to Ethiopia.

7. The measures that were taken by the Sudan and those that it is still taking confirm its full compliance with the OAU decision, although the suspects have yet to be found because of the paucity of the information available and its being withheld by Ethiopia in its failure to cooperate with the Sudan in this respect. The Sudan will continue its efforts in the hope of receiving the information being retained by Ethiopia concerning the suspects.

8. The report is reticent in adducing the efforts of the Secretary-General of OAU, and it does not implement paragraph 7 of the Security Council resolution in a rational manner. The Council might have been expected to have been informed of the results achieved by the two missions of the OAU Secretary-General to the Sudan in implementation of the OAU decisions on the issue. The Sudan also hopes that, in the contacts of the Envoy of the Secretary-General with the Secretary-General of OAU, account will be taken of the invitation addressed by the Minister for Foreign Affairs of the Sudan to Mr. Salim to visit the Sudan and to form an OAU fact-finding mission with the participation of the African States concerned in order to investigate the allegations of Egypt, Ethiopia, Uganda and Eritrea that there are camps for the training of terrorists in Sudanese territory. If this were to happen, it would be testimony that the Sudan is innocent of charges of harbouring terrorism.

9. The Sudan has noted with much regret that the mission of the Envoy of the Secretary-General included visits to countries that were selected not because

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they are neighbours of the Sudan but because of their involvement in a scheme managed by outside forces for the purpose of undermining the stability of the Sudan and weaving and fabricating allegations in order to accuse it of sheltering and assisting terrorist activities. The selection prompts one to wonder what the reasons were that visits to the other countries that are neighbours of the Sudan were not included, countries such as Kenya, the Libyan Arab Jamahiriya, Chad, the Central African Republic, Zaire and the Kingdom of Saudi Arabia, particularly since the side heading in the report reads "Consultations with the Sudan's neighbours and others".

10. Paragraph 4 (b) of the Security Council resolution ought to have been used in a balanced manner in order to pursue criteria of fairness and diversified sources of information and so that the report might be complete. Visits by the Secretary-General's Envoy to all of the countries that are neighbours of the Sudan would also have provided the international community in general and the Security Council in particular with a clearer view of the Sudan's commitment to the principles of good-neighbourliness and non-interference in the internal affairs of other States and of its promotion of relations of regional cooperation in all its forms for the benefit and well-being of the peoples of the region, and the international community would have been able to ascertain that the Sudan is the victim of external aggression in which some of its neighbours are participating.

11. Ethiopia's reiteration of the claim that it approached the Security Council only after it had failed to resolve the matter at the bilateral level or within the OAU is devoid of logic. Why did Ethiopia approach the OAU while the Sudan was waiting to be provided with the "confidential" information being retained by Ethiopia concerning the three suspects? Why did it approach the Council on the same day the OAU Mechanism for Conflict Prevention, Management and Resolution issued its statement urging the Sudan to look for, locate and extradite the suspects? Ethiopia would be better advised not to seek to deceive the international community but to be frank with it in regard to its prior decision to condemn the Sudan by arranging to raise the issue in the OAU Mechanism in a hasty manner as a preliminary step towards referring the matter to the Security Council in the framework of the scheme aimed at "containing the Sudan through its neighbours".

12. Ethiopia's failure to respond to the Sudan's invitation to send an investigating team to work alongside the Sudanese team and its withholding of "overwhelming material and human evidence, which could not be divulged for reasons of security" confirm the conspiracy against the Sudan by means of allegations that have no basis, such as that "the Sudanese authorities knew about the whereabouts of the suspects" and that "requests for additional information were merely delaying tactics". The Sudan opens its doors to whoever claims to know the location of the suspects so that they may indicate where that is, and the Sudan is committed to taking action to arrest them immediately and extradite them to Ethiopia.

13. Ethiopia's alleged concern for friendly relations with the Sudan is incompatible with its actions. In December 1995, Ethiopia attacked five Sudanese posts, occupied them and killed those manning them. It then opened the

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doors for the rebel movement to operate from its territory with the objective of destroying the unity of the Sudan and undermining its stability.

14. The Sudan views the allegations made against it by the President of Eritrea with great disappointment, and he has become a living example of ingratitude. The Sudanese people took much from its capacities and resources in order to be able to support the Eritrean cause. There still remain more than half a million refugees belonging to the fraternal Eritrean people for whom the Sudan acts as host. The Eritrean President surprised the international community with the letter, circulated in document S/1994/34, in which he heaps abuse on the Sudan, imagining that the international community can forget the constant support provided by the Sudan to Eritrea. The allegation of the Government of Eritrea that the Sudan is recruiting refugees in their camps implies an accusation against the Office of the United Nations High Commissioner for Refugees (UNHCR), which oversees these camps. UNHCR is fully aware of the Sudan's cooperation in the repatriation of these refugees, particularly after their country achieved independence and international support for their relief was suspended. It also knows that the Eritrean Government has failed to meet its responsibilities and has welcomed back only those of its refugees whose political allegiance to the ruling party, the Eritrean People's Liberation Front, can be ascertained.

15. For reasons known to the international community, Eritrea invented the refugee issue in order to find itself a justification for bringing its relations with the Sudan to the point of complete rupture, inasmuch as it decided unilaterally to sever diplomatic relations. Eritrea has ignored the customs and covenants that govern relations between States. Its President publicly announced his decision to arm the insurgency and the Sudanese opposition in order to alter the system of government in the Sudan, in flagrant violation of international law and international covenants. The regime in Eritrea has persisted in its hostility to the Sudan and has placed its airfields at the service of those countries supplying the insurgency with weapons. Eritrean troops have participated in the civil war in the Sudan, and some have been captured with the rebels. The Sudan knows that its relationship with Eritrea was sold at a very low price.

16. Uganda's claim that the Sudan is supporting two Ugandan rebel movements is refuted by the actual state of affairs. How can the Sudan provide support to rebels in Uganda when the rebel movement in the southern Sudan controls the approaches to the common border? All documented sources, including those of the information media and the international relief organizations, have confirmed that it is Uganda that provides support and that it is the major source arming the insurgency and supplying it with men and logistic, military and political support and providing transit access to all the forces and parties that are supporting the insurgency. Uganda has not been content with this role but also participated with its forces, tanks and heavy weapons in launching aggression against the southern Sudan in October 1995. Some of the tanks and vehicles have been kept as evidence of Uganda's involvement in the aggression against the Sudan.

17. Uganda's statement that it had permitted Sudanese monitoring teams on its border with the Sudan represents a half-truth. Although Uganda agreed that a monitoring team composed of seven Sudanese soldiers could be stationed at a

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point inside its territory, it saw to it that they were far from the roads used to transport supplies to the insurgency in the southern Sudan. This made the team's presence worthless, and it was withdrawn by the Sudan. The matter of the monitoring team is one of the links in the Ugandan scheme to camouflage its support to the insurgency in the southern Sudan.

18. The Sudan has never been and will never be a party to any attempted assassination, particularly that of Egyptian President Hosni Mubarak. Through the words of its own President, it condemned the attempt made on the very day it occurred in Addis Ababa. In keeping with its principle of non-interference in the affairs of others and in affirmation of its relations of brotherhood, the Sudan harbours great friendship for Egypt and continues to make an effort to demonstrate its benevolent intentions towards Egypt. The Sudan is, moreover, preoccupied with its internal concerns in confronting the challenges of the civil war and the problems of reconstruction and development that it has taken upon itself to resolve. The claim that the Sudan is promoting acts of violence in Egypt has continued to be made since the present Government came to power in the Sudan without being supported by any evidence or justification. In this category is included the allegation that there are arms caches in Egypt and that the source of the arms is the Sudan. The Sudan is not an arms-producing country and its economic situation does not allow it the possibility of purchasing quantities of weapons in excess of its needs for self-defence purposes in order to present them to groups outside the country.

19. The statement that Egypt has information about the three suspects but that "details about the sources of such information could not be divulged for reasons of confidentiality" does not advance the argument that Egypt should refrain from providing the Sudan with the information relating to the suspects for the sake of seriousness in the endeavour to arrest them. What the Sudan is asking for is the information and not the sources of the information.

20. It had been hoped that Egypt would respond positively to Sudan's invitation to send an investigating team to assist the Sudanese team. On 23 October 1995, the Sudanese Minister for Foreign Affairs extended an invitation to his Egyptian counterpart to send an investigating team, thus relinquishing rights of sovereignty with respect to these cases. Egypt did not respond to this invitation. The historical relations between the two countries do not require an intermediary, as Egypt does in claiming that the source of the information it has on the suspects is Ethiopia.

21. The inclusion of Tunisia in the itinerary of the Special Envoy of the Secretary-General represents an attempt to find anything that might indicate the presence of tension in the Sudan's relations with any country in the world in order to support the allegations made in paragraph 4 (b) of resolution 1044 (1996). Tunisia has affirmed that it is not being subjected to any hostile activity on the part of the Sudan. For its part, the Sudan affirms that it has not been a party to any action aimed at undermining the stability of Tunisia, from which it is separated by thousands of miles.

22. The Special Envoy of the Secretary-General was able to meet with all relevant officials in the Sudan, including the President of the Republic. He was likewise able to ascertain the Sudan's seriousness in acting to implement

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the resolution of the Security Council despite its conviction that the resolution is unjust and based on false and unfounded allegations. The Sudan adheres to the commitment that it announced before the Security Council that it would continue to do everything in its power to find the suspects in the hope that it would receive the information from the parties concerned and have their cooperation in such a manner as to help it achieve that goal.

23. The Sudan handed over to the Special Envoy a complete dossier covering the steps it had taken since it had received the Ethiopian request and following the decisions of the OAU Mechanism for Conflict Prevention, Management and Resolution and the resolution adopted by the Security Council. It also informed him of all the measures the Sudan had taken and was continuing to take, most significantly the declaration by the President of the Republic in which he affirmed in a manner that leaves no room for doubt that there are no links between the Sudan and Islamic groups with which the Sudan differs ideologically.

24. In this connection, the Special Envoy was given the option of visiting the camps of the Sudanese People's Defence forces that Egypt, Ethiopia, Uganda and Eritrea have claimed are being used to train their opponents. However, given that the Special Envoy declined because of the military nature of such an undertaking, a field with which he was not familiar, the President of the Republic proposed to him that the Secretary-General might send a military fact-finding mission to investigate the allegations that there are terrorist elements in these camps or in other places in the Sudan.

25. The commission of inquiry pursued its work in accordance with the information in its possession before and after the adoption of Security Council resolution 1044 (1996). It had an announcement published in the information media and posted in public places requesting the surrender of those sought to the nearest police station. All Egyptian nationals residing in the Sudan, other than bearers of diplomatic passports, were registered. The commission also requested information concerning those sought from the International Criminal Police Organization (ICPO-Interpol), which, on 15 February 1996, informed it that it had no information in their regard. The Minister of the Interior issued a directive to the provincial and local authorities and the popular authorities to search for the suspects. On 26 February 1996 a monetary reward was announced for whoever provided assistance in their arrest. The commission also followed up information that became available that a person had arrived at Khartoum Airport on 26 June 1995 under the name Faysal Lutfi Abd al-Latif and had not proceeded to his place of residence as entered on his Khartoum Airport entry card. It also transpired that the passport he was carrying was a forgery. On the other hand, the commission did not develop any information concerning the admission to the country of the two other suspects, Mustafa Hamzah and Yasim or Izzat. Despite its failure to obtain additional information concerning the three suspects, the commission has continued its work in implementation of the resolution of the Security Council and the two OAU decisions.

26. The Sudan renews its invitation to the Secretary-General to send a Special Envoy to follow up his efforts in the Sudan and to send a military fact-finding mission to investigate the allegations that terrorists are being trained in the Sudan.

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Comments on the observations

27. The report proceeds by referring to and adducing the statements of Ethiopia, Egypt, Uganda, Eritrea and Tunisia as if they were facts, while the views of the Sudan are referred to as claims or allegations. This mode of presentation violates the principle of equality and fairness between Member States, particularly States that are parties to a dispute.

28. The report draws the conclusion that the exhaustive information gathered by Ethiopia from the three arrested on suspicion of participating in the attempt has convinced Ethiopia "beyond doubt that the Sudan is sheltering the suspects". The Special Envoy, in addressing an issue of such sensitivity, would have been better advised to endeavour to verify the situation directly with the suspects on the basis of whose statements Ethiopia's claims are made by interviewing them in their prisons in Ethiopia for this purpose. Certain information available to the Sudan indicates that the alleged detainees are none other than members of the security service of a State that is a party to the dispute. Moreover, accepting that Ethiopia "is understandably anxious to protect the confidentiality of its sources of information and reluctant to reveal them" means that the Security Council has to depend on what States deem appropriate and on what serves their interests and not on what might promote respect for the Charter of the United Nations and international law and secure justice and equality.

29. The conclusion reached in paragraph 31 of the report of the Secretary-General expresses an erroneous view that does not take account of the facts and considerations that arose in the meetings of the Special Envoy in the Sudan, which confirm the country's compliance with the OAU decision of December 1995 urging the Sudan to look for, locate and extradite the suspects to Ethiopia. The Sudan, which has expended enormous effort, time and financial resources since the adoption of resolution 1044 (1996), as described in paragraph 25 above, cannot be characterized as not having complied with that resolution, unless compliance means the Sudan doing the impossible, since it is continuing to look for the three suspects and has not yet found them. When it does find them, there can be no doubt that the Sudan will extradite them to Ethiopia forthwith.

30. The conclusion, also stated in paragraph 31, that all the neighbours of the Sudan visited by the Special Envoy have accused the Sudan of supporting terrorist activities within their territories also skirts the truth and does not take account of the material evidence presented by the Sudan to the Special Envoy, as exemplified by the documentary evidence and video tapes showing attacks by Egypt, Ethiopia, Eritrea and Uganda against the Sudan. It is regrettable that the conclusion gives the impression that the allegations of all the enemies of the Sudan, even if groundless, are to be relied on and that all the material evidence presented by the Sudan of their attacks on it are not to be relied on. We hope that the scales of justice will be used, that the principle of equality between States will not be ignored and that the accused will be innocent until proved guilty.

31. We hope for a positive response to the proposal of the President of the Republic inviting the Secretary-General to send a Special Envoy to the Sudan and

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a military fact-finding mission to investigate the allegations of the States in question concerning the training of terrorists in the Sudan. We are confident that a proposal of such seriousness issuing from the Head of State will receive the appropriate attention.

32. Regardless of its comments on his report, the Sudan once again affirms that it will cooperate with the Secretary-General with a view to clarifying the facts relating to the occasion for Security Council resolution 1044 (1996).
