

Obscenities of Bad Faith:

The National Islamic Front Scorns the International Community in Darfur,
Seeks US Help in Asserting Absolute Primacy of Shari'a in Khartoum

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April 16, 2004

The National Islamic Front regime in Khartoum has, over fifteen years of tyrannical rule, assembled an unsurpassed record of bad faith, unspeakable cruelty, and massive human destruction. This unelected and ruthlessly self-perpetuating regime has energetically supported international terrorism; it has violated and abrogated every one of the countless agreements into which it has expediently entered; it is directly responsible for massive human destruction, especially through the denial of humanitarian aid to millions of innocent human beings; it has conducted brutal scorched-earth warfare throughout the oil regions of southern Sudan, the ghastly consequences of which have been definitively established by numerous human rights reports; it has imposed on all of Sudan under its control the most vicious form of Islamic law (shari'a), with a penal code (hudud) that includes cross-amputation (amputation of the right hand and left foot), lashing or stoning to death young women for the "crime" of adultery, and execution for apostasy from Islam as well as for other "crimes."

Presently this regime is denying two essential UN investigative teams access to the Darfur region, where vast racially/ethnically-driven human destruction continues to accelerate. Jan Egeland, UN Under-secretary for Humanitarian Affairs, was to have led a critical humanitarian assessment mission to Darfur, departing yesterday (April 15, 2004). At the last minute, the Khartoum regime informed Egeland that it "needed more time." This ominous delay can only be for the purposes of better obscuring evidence for what Egeland himself has described as "ethnic cleansing" and "scorched-earth warfare" directed against the African civilian population---countenanced, indeed orchestrated by Khartoum.

The Khartoum regime also continues to deny access to a four-person UN human rights investigating team that has been languishing on the Chad/Darfur border for ten days. It seems virtually certain that the investigating team will soon be recalled to Geneva, even as massive crimes against humanity continue inside Darfur. Khartoum has also clearly and consequentially violated the terms of the cease-fire agreement signed with the Darfur insurgency groups in N'Djamena, Chad on April 8, 2004 (most definitively, but far from uniquely, the US State Department reported that Khartoum launched aerial attacks on the first day of the cease-fire [April 12, 2004], most notably on Anka, northwest of al-Fashir). Given today's (April 16, 2004) joint statement by the

two Darfur insurgency groups, highlighting Khartoum's violations, the cease-fire would seem to be within hours of collapsing.

And Khartoum's massively destructive denial and manipulation of humanitarian aid access continues throughout Darfur, bringing closer to reality the horrific statistical projections of the US Agency for International Development "Projected Mortality Rates in Darfur, 2004-2005" (see data at http://www.usaid.gov/locations/sub-saharan_africa/sudan/cmr_darfur.pdf).

The is the nature of the regime that is presently negotiating with the Sudan People's Liberation Movement/Army (SPLM/A) in Naivasha, Kenya under the auspices of the East African IGAD consortium. Khartoum's negotiating record to date, predictably, is one of stalling, contrived suspensions of the talks, refusal to produce position papers in timely fashion, abuse of the lead IGAD negotiator Lazaro Sumbeiywo, renegeing on agreements committed to, and open contempt for southern negotiators.

Despite these difficult obstacles, international diplomatic persistence has brought the talks to the point of culmination. This diplomatic focus has, unconscionably, entailed muting criticism of Khartoum for its genocidal war in Darfur. It has also entailed acquiescing before countless moments of diplomatic bad faith. But despite all, an agreement is within reach---an agreement that will provide the international community a small, tenuous, but enormously significant window of opportunity in which to send a meaningful UN peace support operation to southern Sudan and provide the critical emergency transitional aid that post-war south will desperately need. Peace, even with a "peace agreement," will remain a distinct longshot, and only these long odds have persuaded Khartoum to come this far along the negotiating path. But the international community must seize the opportunity.

And yet at the last moment, the regime has thrown up yet another obstacle to a final agreement: it is insisting that the notoriously brutal shari'a law described above govern all Sudanese in the capital city. No matter that these Sudanese be southerners and non-Muslims; no matter that the Machakos Protocol of July 2002 (the breakthrough agreement that launched these negotiations) specifically exempts those in southern Sudan from shari'a. The National Islamic Front regime insists that when in Khartoum, non-Muslim southerners will be fully subject to shari'a law and the brutal penal code (hudud) that attends it.

This contentious issue has been in evidence for some time, and the SPLM has made significant offers to reach some reasonable compromise. The

Movement first proposed that an enclave within Khartoum, if national political capital, be designated as not governed by shari'a. The National Islamic Front rejected this proposal out of hand. The SPLM then proposed that southern Sudanese in the capital be exempt from shari'a, i.e., southern Sudanese would preserve the exemption from shari'a that they were to enjoy in southern Sudan by virtue of the Machakos Protocol.

Khartoum has contemptuously rejected both these good faith efforts to resolve the issue of shari'a in Khartoum. The regime is insisting, and with growing evidence of US diplomatic support, that shari'a be absolute in Khartoum for all---southern Sudanese and non-southern Sudanese, Muslims and non-Muslims.

It is hardly surprising that Khartoum would adopt this position of diplomatic intransigence, one animated by the Islamicist ideology that continues to define what is after all (despite its effort at self-renaming) the National Islamic Front. What is shocking is that US diplomats in Naivasha are now sending signals to Khartoum that they will not object to this position of religious tyranny. US diplomatic motives in this acquiescence are clearly expedient: desperate for a foreign policy triumph in Sudan, where to its great credit the Bush administration has invested so much time and diplomatic energy, some in the State Department feel that the people of southern Sudan have got enough from the negotiations, and should simply endure this humiliation.

Yet again, such expediency will prove disastrous. We have seen this to be shamefully, catastrophically so in Darfur; it will be so again in Naivasha. Southern Sudanese, who have already been deeply troubled by some of the difficult concessions that have moved negotiations to this point, cannot accept such an additional concession, one that relegates them to a second-class citizenry in the national political capital.

No matter, for example, that a potential minister from the South and his family be non-Muslim: if the fourteen-year-old daughter of such a minister is found guilty of adultery (extramarital sexual relations) in a shari'a court in Khartoum, she will face either 100 lashes---or death by stoning (having first been buried up to her head). Or if she doesn't wear socks, she may receive 30 lashes of the whip (a potentially fatal punishment). Here are two of many scores of shari'a-related cases reported by Amnesty International, Sudan Organization Against Torture (SOAT), Human Rights Watch, and others. They represent examples of what the US is prepared to countenance for southern Sudanese in Khartoum:

[1] Sudan Organization Against Torture (June 5, 2003 Report) found that: "On 1 June 2003, 15 year-old Aziza Salih Adam (f) was sentenced to 30 lashes of the whip by the District Court (Mahkamat Al-Muhafiza,

formerly known as the Public Order Court, (Al-Nizam Al-'Aam) in Nyala, Western Darfur. Aziza, who works as an assistant to street-vendor selling tea in the Wehda district of Nyala, received this sentence for not wearing socks to cover her feet. The punishment was carried out on the same day as the sentencing."

[2] Another recent incident reported by SOAT (May 20, 2003) is equally revealing of the meaning of shari'a in Sudan. Again in Nyala, a 14-year old girl, nine months pregnant, was arrested by the al-Shorta al-Sha'abiya ("Public Police Force") and sentenced in an Islamic court to 100 lashes of the whip---for "adultery." The conviction was under Article 146 of Khartoum's 1991 Penal Code. (A 25-year old businessman, Alsir Sabeel Nour Aldeen, was charged in connection with the incident, but was found not guilty and freed "for the lack of evidence.")

How can individuals from the US State Department represent the US by suggesting that a just peace for Sudan can entail subjecting non-Muslim southern Sudanese to such punishments? Where is the necessary Bush administration supervision that would make US support for such injustice impossible? How can the US of all countries help institutionalize religious tyranny as part of a peace agreement?

For the proposal now being tendered by the US, which comports almost entirely with the position of Khartoum, offers no real protections. The US position acquiesces in Khartoum's demand that southern Sudanese be subject to shari'a, and offers only a fig-leaf of protection---a vaguely defined, quasi-legal "commission" (terms to be defined later) that would supposedly review possible affronts to religious freedom. This is utterly meaningless. What remedy could it offer to the young the tea vendor without socks who is subject to lashing the same day she is arrested? And how can such a singular "commission" offer protections to the hundreds of thousands of non-Muslim southern Sudanese now in the Khartoum area?

This present phase of Sudan's catastrophic civil war broke out in part because of Jafaar Nimeiri's imposition of the infamous "September shari'a laws" in 1983. At this critical moment in negotiations, US acquiescence in the imposition of shari'a on southern Sudanese in Khartoum represents a terrible repetition of history, one that deeply threatens any chance of reaching a just peace agreement---and also threatens the chance of any peace agreement holding.

Does Colin Powell, US Secretary of State, understand what is occurring in Naivasha? Does President George Bush realize that the US is in the process of assisting the National Islamic Front in the very Islamicist

project that has been the vehicle of such immense human suffering and destruction in Sudan? and has been the basis for Khartoum's vigorous support of Osama bin Laden and al-Qaeda?

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