



THE CLINTON ADMINISTRATION'S SANCTIONS AGAINST SUDAN: HOW LONG WILL THE CHARADE CONTINUE?

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You cannot have people saying "We have proof of certain things" against a whole country but nobody knows what that proof is. There is a difference between whether something is proved sufficiently to bring a man before a court... and whether it is sufficient to prove to adopt one's political line.

Raymond Kendall, International Secretary-General of Interpol ¹

Introduction

On 3 November 1997, President Clinton signed executive order 13067, under the International Emergency Economic Powers Act (50 U.S.C. 1703 *et seq*) and the National Emergencies Act (50 USC 1641 c), which imposed comprehensive trade and economic sanctions against Sudan. The order declared "that the policies of Sudan constitute an extraordinary and unusual threat to the national security and foreign policy of the United States".² On 1 July 1998, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the Sudanese Sanctions Regulations (63 Fed. Reg. 35809, July 1, 1998). These regulations blocked all property and interests in property of the Sudanese Government, its agencies, instrumentalities and controlled entities, including the Bank of Sudan, that were in the United States.³ The Clinton Administration has also brought pressure to bear on private banks and multilateral lending agencies not to lend to Sudan.

It was stated by the Administration that these sanctions were introduced as "direct consequence of the Sudanese regime's sponsorship of international terrorism".⁴

The sanctions order has been renewed every year since 1997. On all these occasions the Clinton Administration has claimed that Sudan "continues to present an extraordinary and unusual threat to the national security and foreign policy of the United States". In October 1999, for example, in renewing the sanctions order, President Clinton once again stated that "[t]he Government of Sudan continues to support international terrorism".⁵

Any detailed examination of the Clinton Administration's claims of Sudan's alleged involvement in sponsoring international terrorism, claims that are pivotal to its rationale for imposing sanctions on Sudan, quickly exposes the almost unbelievable shallowness of such allegations.

THE CLINTON ADMINISTRATION'S CLAIMS OF SUDANESE INVOLVEMENT IN TERRORISM

The cornerstone of the Clinton Administration's rationale for its policies towards Sudan are repeated claims that Sudan is a supporter of international terrorism. This is manifested in

¹ Cited in Fenton Bresler, **Interpol**, Mandarin, London, 1992, p.265.

² The U.S. Imposes New Sanctions on Sudan', Thomson Financial Publishing, <http://www.tfp.com/news/USSudan.htm>, 4 November 1997.

³ They also prohibited: (1) the importation into the United States of any goods or services of Sudanese origin, with the exception of informational material; (2) the exportation or reexportation of goods, technology, or services to Sudan or the Government of Sudan apart from informational materials or donations of humanitarian aid; (3) the involvement of any American person in the export or reexportation of goods and services to or from Sudan; (4) the involvement of any American person in contracts relating to Sudan; (5) the grant or extension of credits or loans by any American person to the Sudanese Government; and (6) transactions relating to the transportation of cargo.

⁴ See, text of White House statement on 4 November 1997 at <http://www.usis.org.il/publish/press/archive/1997/november/wh31105.htm>

⁵ Message to the Congress on Continuation of the National Emergency With Respect to Sudan', Weekly Compilation of Presidential Documents, Monday, 1 November 1999, pp 2125-2198.

statements by Administration officials and is constantly cited in media coverage. The Clinton Administration listed Sudan as a state sponsor of terrorism in August 1993. Sudan joined Iran, Iraq, Libya, North Korea, Syria and Cuba on the American list. Whatever other states on the list may have done, Sudan was included in spite of the fact that there was *not a single example of Sudanese involvement in any act of international terrorism*. Sudan was listed without any evidence of its alleged support for terrorism. This much is a matter of record. Former United States President Jimmy Carter, long interested in Sudanese affairs, went out of his way to see what evidence there was for Sudan's listing. Carter was told there was no evidence:

In fact, when I later asked an assistant secretary of state he said they did not have any proof, but there were strong allegations.⁶

Various newspapers and journals also recorded the simple lack of evidence for terrorist support before and after Sudan's listing. The London **Independent** newspaper of 9 June 1993, for example, stated: "So far, no major terrorist incident has been traced to the Islamic regime in Sudan. The Sudanese lack the logistical abilities to run terrorist networks...even if they wished". The London **Guardian** newspaper of 19 August 1993 reported that: "Independent experts believe...that these reports [of terrorist training camps] have been exaggerated, and that Sudan is too short of money to make it an active sponsor of terrorism". The **Independent**'s Robert Fisk writing in December 1993, several months after the American decision, described Sudan as:

a country that is slowly convincing its neighbours that Washington's decision to put Sudan on its list of states supporting 'terrorism' might, after all, be groundless. Even Western diplomats in Khartoum are now admitting privately that - save for reports of a Palestinian camp outside Khartoum like those that also exist in Tunisia, Yemen, Syria and other Arab countries - there may be no guerrilla training bases in the country after all.⁷

THE LISTING OF SUDAN AS A STATE SPONSOR OF TERRORISM

It would seem, therefore, that despite no evidence whatsoever of involvement in any act of terrorism, Sudan was listed as a state sponsor of terrorism. Donald Petterson, the United States ambassador to Sudan at the time of Sudan's listing, stated that he was "surprised" that Sudan was put on the terrorism list. Petterson said that while he was aware of "collusion" between "some elements of the Sudanese Government" and various "terrorist" organisations:

I did not think this evidence was sufficiently conclusive to put Sudan on the U.S. government's list of state sponsors of terrorism.⁸

It would appear that Ambassador Petterson, the Clinton Administration's ambassador to Sudan, was not even briefed prior to the decision to list Sudan being taken. When he queried the decision, he was told by an assistant secretary of state that the "new evidence was conclusive".⁹ One can only speculate as to whether the assistant secretary of state briefing Ambassador Petterson was the same assistant secretary of state who told former President Carter a few days later that the Clinton Administration did not have any proof, but that there were "strong allegations".

The Clinton Administration's listing of Sudan served clear objectives. Sudan was projected as a state sponsor of terrorism and thereby to a great extent isolated internationally. The listing also brings with it specific sanctions, financial restrictions and prohibitions on economic assistance. These include a ban on arms-related exports and sales and a tight control of "dual-use" goods and technologies. The United States must also oppose any loan from international financial institutions for a country on the terrorism list.

⁶ **The Independent**, London, 17 September 1993.

⁷ **The Independent**, London, 8 December 1993.

⁸ Petterson, op.cit., p.69.

⁹ Ibid.

The 1994 **Patterns of Global Terrorism** once again stated that: "There is no evidence that Sudan, which is dominated by the National Islamic Front (NIF), conducted or sponsored a specific act of terrorism in 1994". The report did claim that people associated with ANO, the Lebanese Hizballah, the Palestinian Islamic Resistance Movement (HAMAS), the Palestinian Islamic Jihad (PIJ) and Egypt's Islamic Group are present in Sudan. In what was described as a "positive development", the report did record that the international terrorist "Carlos", Illyich Ramirez Sanchez, was extradited to France.¹⁰

It is clear that the Clinton Administration's listing of Sudan as a state sponsor of terrorism, in the absence of any proof or evidence of such activity, was an abuse of United States anti-terrorism legislation for policy reasons.

THE CLINTON ADMINISTRATION'S SYSTEMATIC ABUSE OF ANTI-TERRORIST LEGISLATION

As has been touched upon above, the Clinton Administration has blatantly abused American anti-terrorist legislation, using such legislation as an instrument of policy. There are clear macro and micro examples of such behaviour. The listing of Sudan as a state sponsor of terrorism is a clear macro example. A further clear-cut example of the Administration's misuse of anti-terrorism legislation for political reasons followed the Administration's cruise missile attack on the al-Shifa medicines factory in Khartoum. It is now abundantly evident that this attack, allegedly on a chemical weapons facility owned by Osama bin-Laden, was a disastrous intelligence failure. Every one of the American claims about the al-Shifa factory proved to be false. Clinton Administration officials also subsequently admitted that when they attacked the factory they did not actually know who the owner was, Under Secretary of State Thomas Pickering stating that who owned the plant "was not known to us".

When, several days later, the American Government learnt, from subsequent media coverage of the attack, who actually owned the factory, that person, Mr Saleh Idris, was then retrospectively listed under legislation dealing with "specially designated terrorists". On 26 August, 1998, the Office of Foreign Assets Control, the unit within the U.S. Treasury Department charged with the enforcement of anti-terrorism sanctions, froze more than US\$ 24 million of Mr Idris's assets. These assets had been held in Bank of America accounts. On 26 February 1999, Mr Idris filed an action in the U.S. District Court for the District of Columbia, for the release of his assets, claiming that the Government's actions had been unlawful. His lawyers stated that while the law used by the Clinton Administration to freeze his assets required a finding that Mr Idris was, or had been, associated with terrorist activities, no such determination had ever been made. Mr Idris had never had any association whatsoever with terrorists or terrorism. On 4 May 1999, the deadline by which the Government had to file a defence in court, the Clinton Administration backed down and had to authorise the full and unconditional release of his assets.¹¹

When convenient to it the Administration has also chosen to ignore its own anti-terrorist legislation for economic and business reasons. The Clinton Administration has, for example, granted sanctions exemptions for the import of Sudanese gum arabic, an indispensable food, soft drinks and pharmaceutical stabiliser, of which Sudan has a near monopoly. And, in an equally clear cut instance of hypocrisy, it is also the case that in late 1996 the Clinton Administration had sought to grant an exemption to Occidental Petroleum, an American oil company, to become involved in the Sudanese oil industry.

The Occidental issue caused the Administration considerable embarrassment. At a January 1997 press briefing, a State Department spokesman defended the Administration's position by stating: "If... individual financial transactions are found not to have an impact on any potential act of

¹⁰ **Patterns of Global Terrorism** 1994, United States Department of State, Washington-DC, 1995, p.23.

¹¹ See, 'US Unfreezes Assets of Sudan Factory Owner', Agence France Press, 4 May, 1999, 20:51 GMT; 'US Oks Payout for Sudan "Mistake": Faulty Intelligence Blamed for Air Strike', **The Washington Times**, 5 May 1999; 'US Admits Sudan Bombing Mistake', **The Independent**, London, 4 May 1999; 'US to Unfreeze Accounts Frozen Over Plant', **The Asian Wall Street Journal**, 5 May 1999.

terrorism or to fund any group that supports terrorism, then these transactions... may be permitted".¹² The **New York Times** commented that:

Recent days brought word that last summer business considerations led the White House to waive a law prohibiting American companies from doing business with countries that sponsored terrorism. Specifically, officials gave approval to the Occidental Petroleum Corporation to take part in a \$930 million oil project in Sudan... Washington's policy toward the Sudanese regime now seems hopelessly confused. Secretary of State Madeleine Albright did little to clarify it at her introductory news conference last Friday. Even as she called for new United Nations sanctions against Sudan, she endorsed the decision to let Occidental bid for the oil contract.¹³

The **Washington Post** also commented:

[T]he elasticity of the law as it comes to US economic interests - and especially when those interests also happen to contribute generously to the Democratic National Committee - will not go unnoticed... It can only undercut U.S. efforts to isolate what it considers - or says it considers - rogue states.¹⁴

THE WORLD TRADE CENTER BOMBING: CONTRADICTION AND CONFUSION

The World Trade Center in New York was bombed in February 1993. One person died and dozens were injured when a car-bomb parked in the Center's car-park went off. In March 1994, four Arabs were convicted of having caused the explosion. Ten other people were later also convicted in connection with the World Trade Center bombing and other terrorist conspiracies. In a remarkably clumsy way, the Clinton Administration has from time to time sought to insinuate that Sudan was somehow involved in the bombing.

In so doing, the Clinton Administration has contradicted itself on several occasions. In March 1993, for example, the United States Government stated that the World Trade Center bombing was carried out by a poorly trained local group of individuals who were not under the auspices of a foreign Government or international network.¹⁵ In June 1993, the American authorities again stated there was no evidence of foreign involvement in the New York bombing or conspiracies.¹⁶ The American Government then reversed its position in August 1993 alleging Sudanese involvement in the New York bomb plots.¹⁷ This finding was then comprehensively contradicted in 1996 by Ambassador Philip C. Wilcox Jr., the Department of State's Coordinator for Counterterrorism. On the occasion of the release of the 1995 **Patterns of Global Terrorism**, on 30 April 1996, Ambassador Wilcox made it very clear that there was no Sudanese involvement whatsoever in the World Trade Center bombings:

We have looked very, very carefully and pursued all possible clues that there might be some state sponsorship behind the World Trade Center bombing. We have found no such evidence, in spite of an exhaustive search, that any state was responsible for that crime. Our information indicates that Ramzi Ahmed Yousef and his gang were a group of freelance terrorists, many of whom were trained in Afghanistan, who came from various nations but who did not rely on support from any state.¹⁸

It is disturbing to note that in March 2000, seven years after the World Trade Center bombing, and four years after Ambassador Wilcox gave the definitive answer stating there was no Sudanese involvement, President Clinton's special envoy to Sudan, former Congressman Harry Johnston,

¹² 'U.S. Department of State, Daily Press Briefing', by Nicholas Burns, 17 January 1997.

¹³ 'Oil Deals and Arms Sales', Editorial, **The New York Times**, 28 January 1997.

¹⁴ 'Commerce and Terrorism', Editorial, **The Washington Post**, 24 January 1997.

¹⁵ **The New York Times**, 26 March 1993.

¹⁶ **The New York Times**, **The Washington Post**, 25 June 1993.

¹⁷ **The New York Times**, 18 August 1993.

¹⁸ **Patterns of Global Terrorism: 1996 Briefing**, Press briefing by Ambassador Philip C. Wilcox Jr, Washington-DC, 30 April 1996 on US Government Home Page, at <http://www.state.gov/www/global/terrorism/960430.html>

was still insinuating Sudanese involvement, stating that all those involved in the bombing has carried Sudanese passports.¹⁹ First of all, as stated above, only five of the fifteen people arrested were Sudanese. Nationality in and of itself is no evidence for a state's involvement in terrorism, and particularly in the case of the World Trade Center bombing. A number of those involved were Egyptian, would this mean that Egypt was complicit in the bombing? Others were Americans and Palestinians. Two other American citizens have been indicted for their involvement in the East African embassy bombings. Does this necessarily imply that the American Government was somehow involved?

The listing of Sudan as a state sponsor of terrorism provides a macro example of the Clinton Administration's abuse of anti-terrorist legislation. The case of Mr Idris provides us with a micro example of this misuse. This abuse and the manipulation of legal measures for political expediency and convenience is not just immoral; it also discredits American anti-terrorist legislation internationally.

THE CLINTON ADMINISTRATION AND SUDAN: A SYSTEMIC INTELLIGENCE FAILURE

The Clinton Administration's intelligence and information on Sudan in general and "terrorism" in particular, and especially the way the administration has chosen to interpret and use intelligence, has self-evidently been abysmal. The Clinton Administration is served by thirteen separate intelligence agencies. Their budget amounts to almost thirty billion dollars a year: 85 percent of this budget is dedicated to military intelligence. The primary mission of these intelligence agencies is "to collect, evaluate, and disseminate foreign intelligence to assist the President and senior US Government policymakers in making decisions relating to the national security".²⁰ Amongst the many resources at the disposal of these intelligence agencies are satellites that can see everything imaginable and that can monitor every electronic communication on the face of the earth.

One would have assumed that allegations of weapons of mass destruction technology, and factories allegedly engaged in the production of such weapons, particularly in the hands of people apparently of people such as Osama bin Laden, would have been of considerable significance to American "national security". One would have imagined that some of the immense resources briefly mentioned above would have been focused on every facet of the al-Shifa factory in Khartoum. Indeed, the Clinton Administration claimed that the al-Shifa medicines factory had been under surveillance for several months before the Cruise missile attack which destroyed the plant.²¹

It would appear, however, that despite having monitored the al-Shifa factory for all that time and despite the awesome array of intelligence resources and assets at their disposal, it was beyond the ability of the American intelligence community to ascertain who owned Sudan's biggest pharmaceutical factory, despite the fact that the factory was publicly mortgaged. It is also clear that far from being able to ascertain whether the al-Shifa medicines factory produced any chemical weapons, the American intelligence community were not even able to ascertain whether al-Shifa produced any commercial products - despite the fact that the factory produced two-thirds of Sudan's medicines and animal drug needs, and held United Nations drug contracts. A simple low-tech telephone call to the Sudanese chamber of commerce, or to the factory itself, or to any of the various ambassadors - including the British ambassador - who had visited the factory, would have answered several of the questions which the Clinton Administration so publicly got wrong in the days following the bombing. This almost unbelievable intelligence failure is also all the more surprising given the fact that Washington had previously enjoyed a warm military and intelligence relationship with Sudan in the 1980s, and despite the fact that unlike intelligence gathering in other countries such as Libya, Iraq or Iran, which is very difficult given the closed

¹⁹ 'U.S. Envoy Upbeat After Talks With Sudan', News Article by CNN on 6 March 2000 at 9:50 PM EST.

²⁰ 'Frequently Asked Questions', Central Intelligence Agency Official Website at http://www.ocdi.gov/cia/public_affairs/faq.html

²¹ 'U.S. Intelligence Defends VX-Sudan Link', News Article by Reuters on 25 August 1998 at 14:22:54.

nature of those countries, Sudan is, in the words of the **Guardian**, “one of the most open and relaxed Arab countries”.²²

That the Clinton Administration chose to act on what has subsequently been seen to be faulty intelligence is a reflection of poor judgement on the part of the Administration. Equally unacceptable has been the Administration’s tendency to ignore intelligence concerns when they conflicted with stated policy. To have allowed intelligence gathering and analysis on Sudan to degenerate as much as it clearly did is a reflection of bad Government. Both are compounded by the Administration’s clear attempts to then defend a questionable stance towards Sudan by hiding behind “intelligence” which could not be “revealed.”

Former President Carter established in 1993 that, despite listing Sudan as a state sponsor of terrorism, the Clinton Administration had no evidence to support the listing. Several years later the absence of any intelligence to support the Clinton Administration’s continuing allegations of Sudanese involvement in terrorism continued to be documented. A 26 December 1996 **International Herald Tribune** article by veteran American investigative reporter Tim Weiner, made it clear that no evidence had emerged: “U.S. officials have no hard proof that Sudan still provides training centers for terrorists”. The article stated that “The big issue for the United States is that Sudan has served as a safe house for stateless revolutionaries”. Mr Weiner also interviewed key American officials “responsible for analyzing the Sudan”. The answer to whether or not Sudan was involved in supporting terrorism, was “we just don’t know”. Sudan, nevertheless, continued to be listed as a state sponsor of terrorism.²³

What is clear is that American intelligence agencies have not been able to find any proof of Sudanese involvement in international terrorism, before or after the Clinton Administration listed Sudan as a state sponsor of terrorism. The singular lack of judgement on the part of the Clinton Administration and the American intelligence community was amply illustrated by its eagerness to accept fabricated claims concerning the Sudanese Government.

THE CLINTON ADMINISTRATION’S WITHDRAWAL OF OVER 100 “FABRICATED” REPORTS ON SUDAN AND “TERRORISM”

Not only were American intelligence agencies unable to accurately analyse events and trends in Sudan, there is ample evidence that they actually accepted as facts claims about Sudanese involvement in terrorism which were subsequently revealed to have been fabricated. In September 1998, in the wake of the al-Shifa fiasco, both the **New York Times** and the London **Times** reported that the Central Intelligence Agency had previously secretly had to withdraw over one hundred of its reports alleging Sudanese involvement in terrorism. The CIA had realised that the reports in question had been fabricated. The London **Times** concluded that this:

is no great surprise to those who have watched similar CIA operations in Africa where “American intelligence” is often seen as an oxymoron.²⁴

A striking example of this was the closure by the Clinton Administration of the American embassy in Khartoum in 1996. This decision was presented as yet one more example of concern over Sudan’s alleged support for international terrorism. CIA reports were said to have stated that American embassy staff and their families were in danger.²⁵ The Clinton Administration’s spokesman, Nicholas Burns, stated at the time that:

We have been concerned for a long period of time about the activities and movements of specific terrorist organizations who are resident in Sudan. Over the course of many, many conversations with the Sudanese Government, we simply could not be assured that the Sudanese Government was capable of protecting our Americans against the

²² ‘Western Envoys in Sudan Faced with Divided Loyalties’, **The Guardian**, London, 27 August 1998.

²³ See, **Unproven, Unsustainable and Contradictory: United States Government Allegations of Sudanese Involvement in International Terrorism**, The British-Sudanese Public Affairs Council, London, 1999, available at <http://www.espac.org>

²⁴ **The Times**, London, 22 September 1998; **The New York Times**, 21 and 23 September, 1998.

²⁵ ‘Withdrawal of US Diplomats - Security Council Condemnation’, **Keesings Archives**, Volume 42, 1996.

specific threats that concerned us... [T]he specific nature of these threats, the persistence of these threats, and our root belief at the end of all these conversations that this particular government could not protect them led us to take this extraordinary measure of withdrawing all of our diplomats.²⁶

It is now admitted the reports cited in justifying this decision were subsequently withdrawn as having been fabricated. As the **New York Times** investigation documented:

In late 1995 the CIA realized that a foreign agent who had warned repeatedly of startling terrorist threats to U.S. diplomats, spies and their children in Khartoum was fabricating information. They withdrew his reports, but the climate of fear and mistrust created by the reports bolstered the case for withdrawing personnel from the U.S. Embassy in Khartoum, officials said... The embassy remained closed, even though, as a senior intelligence official put it, "the threat wasn't there" as of 1996.²⁷

The **New York Times** also reported that there were similar unverified and uncorroborated reports that the then national security advisor, Antony Lake, had been targeted for assassination by terrorists based in Sudan. Lake was moved into Blair House, a federal mansion across the street from the White House and then to a second, secret, location. The **New York Times** reported that Lake "disappeared from view around the time the embassy's personnel were withdrawn". There is little doubt that the supposed threat to Lake was as fabricated as the CIA reports concerning the American embassy in Khartoum. The newspaper stated that: "The threat to Tony Lake had a chilling effect on the National Security Council."

There is no doubt that the equally spurious "threats" to American diplomats and their children in Khartoum had an equally chilling effect on the State Department and other agencies. The fact remains, however, that these "threats", then seen as proof of Sudanese complicity in terrorism, were subsequently admitted to have been fabricated. To have to withdraw one or two intelligence reports on such serious matters is bad enough. To have to withdraw over one hundred such reports can only be described as a massive systemic intelligence failure. One can only but point out that the Clinton Administration used the Sudanese Government's inability to react to "specific" threats made by "specific" terrorist organisations against American diplomats, non-existent fabricated threats, as one more example of Sudan's involvement with terrorism. A further question should be raised: who was responsible for their fabrication and for what reasons?

The American embassy in Khartoum was subsequently partly re-opened in October 1997, and Antony Lake eventually did come out of hiding. And yet, as late as March 2000, four years after the above intelligence fiasco, the White House was still falsely stating: "In 1996, we removed full-time staff from the Embassy and relocated them to Nairobi for security reasons."²⁸ In what could pass for a snapshot of the accuracy of Clinton Administration claims about Sudan and terrorism in general, the **New York Times** stated that:

the Central Intelligence Agency... recently concluded that reports that had appeared to document a clear link between the Sudanese Government and terrorist activities were fabricated and unreliable... The United States is entitled to use military force to protect itself against terrorism. But the case for every such action must be rigorously established. In the case of the Sudan, Washington has conspicuously failed to prove its case.²⁹

Ambassador Petterson, the United States ambassador to Sudan from 1992-95, clearly documents an earlier example of the Clinton Administration acting upon fabricated and unreliable claims of Sudanese complicity in "terrorism". In his memoirs of his time in Sudan Ambassador Petterson reveals that in August 1993, "information about a plan to harm American officials led the State Department to order an evacuation of our spouses and children and a reduction of my American

²⁶ Daily Press Briefing, U.S. Department of State, 1 February 1996 available at http://dosfan.lib.uic.edu/ERC/briefing/daily_briefings/1996/9602/960201db.html

²⁷ 'Decision to Strike Factory in Sudan Based on Surmise', **The New York Times**, 21 September 1999.

²⁸ Extract on Sudan from the Daily Press Briefing, the United States Department of State, 3 March 2000, 12:35 PM.

²⁹ 'Dubious Decisions on the Sudan', Editorial, **The New York Times**, 23 September 1998.

staff by one-third". Petterson stated that "[w]e at the embassy had seen or heard nothing manifesting a clear and present danger from either terrorists or the Sudanese government. But the order was firm and irrevocable".³⁰ Petterson also documented that subsequently "new information" had been "acquired" which indicated "an increasingly precarious situation for Americans in Khartoum". Ambassador Petterson later reveals that the allegations in question were unfounded:

The months wore on, no credible threat to embassy Americans materialized, and eventually serious doubt was raised about the validity of the information that had led to the evacuation.³¹

It perhaps goes without saying that for a Government to evacuate the spouses and children of diplomats, and to reduce its embassy staff, is a serious matter. It is an even more serious matter when a Government totally closes an embassy, withdrawing all diplomats and dependants. This was done on two occasions in Sudan. The partial evacuation happened in 1993. The total evacuation was carried out in 1996. The Clinton Administration ordered both evacuations on the basis of intelligence information received which supposedly warned of threats to American diplomats and their families. On both occasions the Administration also demanded that the Sudanese Government somehow deal with these threats, and it was inferred that if Khartoum did not do so this would be more evidence of Sudan's involvement with terrorism. How the Sudanese Government could have dealt with alleged threats that are now admitted to have been fabricated is an interesting point unaddressed by the Clinton Administration.

THE CLINTON ADMINISTRATION'S REFUSAL OF SUDANESE REQUESTS FOR COUNTER-TERRORISM TEAMS TO VISIT SUDAN

The Clinton Administration's poor record and questionable judgement with regard to intelligence and the issue of terrorism was further highlighted by the September 1998 **New York Times** revelation that:

In February 1997, Sudanese President Omar al-Bashir sent President Clinton a personal letter. It offered, among other things, to allow U.S. intelligence, law-enforcement and counterterrorism personnel to enter Sudan and to go anywhere and see anything, to help stamp out terrorism. The United States never replied to that letter.

In April 1997, there was another invitation, once again inviting the Clinton Administration to send FBI counterterrorism units to Sudan to verify any information they may have had about terrorism. The letter was addressed to Representative Lee Hamilton, the then chairman of the House Foreign Affairs Committee, and is part of the Congressional Record.³² This offer was eventually turned down four months later. In 2000, Washington eventually accepted the offer and an American team comprising experts from the CIA, FBI and State Department have spent several weeks in Sudan in 2000.³³ So far these experts have made no pronouncements on their findings.

There is a further, even more disturbing example of the Clinton Administration's questionable judgement regarding Sudan and international terrorism. In a series of investigative articles entitled "U.S. Fumbles Chance to Nab Bombers: State Department Stopped FBI from Pursuing Leads in East Africa Blasts", "State, FBI Questioned Over Africa Blasts: Congress Questions Sudan Missile Strike, 'Missed Opportunities'" and "Was Sudan Raid on Target? Did FBI Botch Chance to Grab Embassy Bombing Suspects?", the American MSNBC new network reported that in early August 1997, shortly after the terrorist bombings of the American embassies (and before the bombing of the al-Shifa factory), the Sudanese authorities had arrested two prime suspects in the embassy bombings. These suspects had been observed monitoring the American embassy in Khartoum, and were arrested after attempting to rent an apartment across the street from the

³⁰ Petterson, op.cit., p.71.

³¹ Petterson, op.cit., p.91.

³² 'Perspective on Terrorism - Olive Branch Ignored', **The Los Angeles Times**, 30 September 1998.

³³ 'US Intelligence Delegation Still in Sudan: FM', News Agency by Agence France Presse on 16 August 2000 at 17:25:48.

embassy. The two men had Pakistani passports, Afghani accents, and a list of known bin-Laden contacts in Sudan. They had also both been in Kenya for the three weeks before the embassy bombing. The reference on their visa applications to enter Sudan was the same company accused by the American authorities of supplying explosives and weapons to Osama bin-Laden.

The Sudanese authorities notified the FBI and repeatedly offered to turn the two suspects over to the American authorities. Senior American law enforcement officials have subsequently stated that while the FBI were eager to take up the offer, the State Department prevented any such investigation. After the bombing of the al-Shifa factory, the Sudanese Government deported the two men to Pakistan.³⁴ In July 1999, MSNBC further documented that there had been Sudanese offers to assist even after the al-Shifa bombing:

Still, despite fierce protests from Sudan over the missile attack, the Sudanese government has continued to court U.S. officials with intelligence allegedly collected during the interrogations of the two before they were deported and observations made during the period between their release and deportation. As late as last month, FBI officials had renewed their requests to the State Department to sanction official contacts with Sudan that might lead to new information about the bin Laden network's plans. Again, the State Department declined.³⁵

The MSNBC report also quoted a Kenyan diplomat, who described his Government as "furious" that the U.S. had passed up on an opportunity to apprehend men suspected of involvement in the bombing which killed hundreds of Kenyans.

It is a matter of record that both House and Senate intelligence committees began an investigation into why the Clinton Administration neglected an opportunity of interviewing two prime suspects in the embassy bombings. By any standard, the Administration's studied disinterest in interrogating these two suspects is deeply questionable. Perhaps it was ineptitude on the part of politicians, intelligence and law enforcement officials. Perhaps it was an unwillingness on the part of sections of the Clinton Administration to address any development that might have invalidated the attack on Sudan and the al-Shifa factory that was to follow a week or so afterwards, a strike that was necessary and urgent in order for President Clinton to appear "presidential" in the midst of the Lewinsky scandal.

IGNORING THAT WHICH IS INCONVENIENT

It is evident that the Clinton Administration has barely, if at all, acknowledged Sudan's efforts to address American concerns about its alleged support for terrorism. It is difficult to see what more Khartoum could have done in this respect. Sudan arrested and extradited Illyich Ramirez Sanchez, "Carlos the Jackal" to France, and, as requested by Washington, it expelled Osama bin Laden, and his associates, from Sudan. In September 1995 Sudan imposed strict visa requirements on visitors to Sudan, ending its no visa policy for Arab nationals.

In May 2000, Sudan completed the process of acceding to all of the international instruments for the elimination of international terrorism. It has signed the following international agreements:

- The 1997 International Convention for the Suppression of Terrorist Bombings
- The 1999 International Convention for the Suppression of the Financing of Terrorism.
- The 1988 International Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal 1988)

³⁴ "State, FBI Questioned Over Africa Blasts: Congress Questions Sudan Missile Strike, 'Missed Opportunities'", 19 August 1999; and 'Was Sudan raid on target? Did FBI Botch Chance to Grab Embassy Bombing Suspects?', MSNBC TV News, 29 December 1999, <http://www.msnbc.com/news/351435.asp>

³⁵ 'U.S. Fumbles Chance to Nab Bombers: State Department Stopped FBI from Pursuing Leads in East Africa Blasts', News Article by MSNBC on 29 July 1999, available at <http://www.msnbc.com/news/294848.asp>

- The 1980 International Convention on the Physical Protection of Nuclear Material (Vienna 1980)
- The 1992 International Convention for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.
- The 1963 International Convention on Offenses and Certain Other Acts Committed on board Aircraft.
- The 1991 International Convention on the Marking of Plastic Explosives for the Purpose of Detection.

Sudan has also become a party to regional agreements and a participant in regional programmes for the suppression and elimination of terrorism on the African continent through the Organisation of African Unity. Sudan has also signed similar agreements within the framework of the Arab League and the Organisation of the Islamic Conference. In April 1998, for example, Sudan became a signatory to the Arab Agreement for Combating Terrorism. The Sudanese ministers of internal affairs and justice signed the agreement on behalf of Sudan.³⁶ In August, 1998, the Sudanese ambassador to Egypt stated Sudan welcomed an Egyptian proposal to convene an international conference on combating terrorism.³⁷ Sudan has also signed the chemical weapons convention in May 1999.³⁸

Furthermore in March 2000, Sudan also comprehensively updated its own legislation for the suppression of terrorism. The Sudanese Government has repeatedly invited the United States to send its own anti-terrorist teams to Sudan to investigate and follow-up any information they may have about Sudan's alleged involvement in terrorism.

Sudan has on several occasions invited the American Government to send CIA and FBI counter-terrorists teams down to Sudan to investigate any concerns they may have about Sudan and terrorism. Not only did Sudan immediately condemn the embassy bombings, it actually arrested two prime suspects in the bombings and repeatedly requested that the American authorities interrogate these suspects.

CONCLUSION

Any outside observer can, therefore, examine at first hand the extent and credibility of the scanty and wholly-inadequate intelligence used by the Clinton Administration to justify its sanctions on Sudan. For all the allegations it has made, and despite the awesome and unprecedented intelligence, information-gathering and surveillance tools at its disposal, the Clinton Administration has not been able to point to a single act of terrorism sponsored or supported by the Government of Sudan - the publicly-stated rationale for President Clinton's imposition of sanctions. It has admitted as much in its own reports. Neither has the Administration identified a single "terrorist training camp" in Sudan: had any such data been available it would undoubtedly been attacked at the same time as the al-Shifa factory. Senior European diplomatic sources in Khartoum have questioned whether these camps ever existed.

The hundreds of news and sensation hungry journalists who flooded into Khartoum following the attack on the al-Shifa factory, all eagerly exploring any terrorist link, were also unable to find any evidence of terrorists or terrorist camps. What the Administration did "identify" as a chemical weapons-producing facility, the al-Shifa plant, is now internationally acknowledged to have been nothing more than a medicines factory.

The Clinton Administration is also guilty of turning a blind eye to crucial intelligence opportunities in the war against terrorism. The Administration chose not to accept two offers by the Khartoum authorities for American intelligence and counterterrorist personnel to carry out

³⁶ 'Internal Affairs Minister: Arab Agreement For Combating Terrorism is a Strong Reply to Enemies', Sudan News Agency, 25 April 1998.

³⁷ 'Sudan Welcomes Egypt's Anti-Terrorism Conference Proposal', News Article by Xinhua on 22 August 1998 at 14:32:43.

³⁸ 'Sudan Says Joins Pact Against Chemical Weapons', News Article by Reuters on 19 August 1999 at 10:31:52.

whatever investigations they wished to in Sudan. An even more questionable Clinton Administration decision was to ignore repeated Sudanese requests that they interrogate two suspects in the embassy bombings. The Clinton Administration would appear to have ignored this vital opportunity as it would have been inconvenient given that they intended to attack Sudan for alleged complicity in the Nairobi bombings in an attempt for William Clinton to appear presidential at a crucial juncture in the Monica Lewinsky scandal.

The Clinton Administration's imposition of sanctions must be seen against Washington's broader policy and actions with regard to Sudan. These policies have been characterised by repeated intelligence failures. These have included failures with regard to evaluating the nature of the Sudanese Government and the Islamic model it presents. Washington has refused to justify any of its claims, invoking the need to protect "intelligence" sources. On the only occasion when the Administration reluctantly attempted to justify its claims, allegations that the al-Shifa medicines factory was owned by terrorists and manufacturing chemical weapons, its "intelligence" crumbled in the face of media reporting. Any sanctions policy or executive orders based even in part on this shambolic state of affairs only serves to further undermine confidence in the United States Government's credibility.

Where the Clinton Administration's policies have succeeded, however, is in preventing a peaceful resolution of the Sudanese conflict. As former President Carter has pointed out Washington is the obstacle to a negotiated settlement. The Administration's continued encouragement of southern rebels to pay lip service to peace talks while continuing with their ultimately futile war against Khartoum is virtually all that keeps the war going. The Clinton Administration makes much of human rights abuses within Sudan. Indeed it has also cited human rights violations as additional grounds for sanctions. It is widely acknowledged that the vast majority of human rights abuses in Sudan are a direct consequence of the vicious civil war that is being fought in that country. Human rights always suffer grievously in war, and particularly civil war - as the United States should be only too aware of from its own history. It is a simple fact that, as former President Carter has stated, the Clinton Administration is artificially sustaining the Sudanese civil war. It is itself, therefore, at least partly responsible for any human rights abuses that take place.

Perhaps the Clinton Administration has simply been caught up with the arrogance of power. In this respect, Washington's policy towards Sudan is but one example of a general shortcoming on the part of the Clinton Administration. Even **Time** magazine dedicated a cover page and story in 1997 to the question "Power Trip. Even its Best Friends are Asking: Is America in Danger of Becoming a Global Bully?".³⁹ The **Economist** has also stated: "The United States is unpredictable; unreliable; too easily excited; too easily distracted; too fond of throwing its weight around."⁴⁰ It is always bad when a superpower, and especially *the* superpower, acts as a bully. It is even worse for its reputation when its policy has been as transparently questionable as American policy has been towards Sudan. Washington's sanctions policy on Sudan is at the forefront of this policy.

³⁹ **Time** magazine (Canadian Edition), August 4, 1997.

⁴⁰ **The Economist**, 21 September 1996.