

United States Senate

WASHINGTON, DC 20510-3005

July 18, 2008

Ambassador Richard Williamson
U.S. Special Envoy to Sudan
U.S. Department of State

Dear Ambassador Williamson:

I am writing to express my concern regarding new evidence that the Sudanese government continues to violate the United Nations arms embargo and that Chinese weapons are being used against the people in Darfur. These allegations are serious and are indicative of the lack of importance the Government of China and the Government of Sudan give to resolving the conflict in Darfur. I ask that you engage both governments directly on this issue to determine the accuracy of the reports, and if appropriate, take immediate action to remedy the situation in any way possible. In addition, I ask that you support the recent work of the International Criminal Court.

I have been told that Chinese fighter jets have been spotted flying on missions out of Nyala airport and operating in South Darfur, which is a clear violation of paragraph 7 of United Nations Security Council Resolution 1556 (2004) and reaffirmed in United Nations Security Council Resolution 1591 (2005). I have also been told that there is new evidence that Chinese made anti-aircraft guns have recently been used in Darfur.

The International Criminal Court (ICC) appears to be the most practical mechanism that the United Nations can utilize at this time to call for accountability from the Government of Sudan in Darfur. On July 14, 2008, ICC Prosecutor Luis Moreno-Ocampo asked the court for an arrest warrant for Sudanese President Omar Hassan al-Bashir, accusing him of running a campaign of genocide that has killed 35,000 people and forced 2.5 million to flee their homes in Sudan's Darfur region. I welcome this long overdue push for accountability for those who have perpetrated the genocide in Darfur.

I am confident that there will be calls from some permanent members of the United Nations Security Council to suspend the investigation on the basis that it would compromise the ongoing Darfur Peace Process. However, such a call would be a disingenuous gesture, since there is no real peace process currently in place in Darfur. If any compromise measures were to be considered, the United States would need to see credible evidence that the Government of Sudan is complying with the United Nations arms embargo and that the Government of China is using all its leverage to work with the Khartoum government to end violence in Darfur and participate in a meaningful way to advance peace throughout the region.

China has long-standing economic and military ties with Sudan. China purchases at least 70 percent of Sudan's oil, and it currently has at least \$3 billion invested in the Sudanese energy sector. Such strong economic investment has allowed Sudan to double its defense budget. China is also providing funds for a new \$20 million presidential palace at a time when genocide is ravaging northwestern Sudan. All of this investment is in the context of China's inaction to meaningfully address Sudan's Security Council violations. This negligence undercuts any Chinese resistance to the efforts of the ICC. If the Government of China is truly concerned about peace in Darfur, it would be using every bit of leverage available to hold the Khartoum government accountable on the arms embargo.

I thank you for your consideration on this critically important issue and I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert Menendez
United States Senator