

December 7, 2015

H.E. Mr. Ban Ki-Moon
Secretary General of the United Nations
New York, NY 10017

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: Unhindered Assistance from Multiple Locations for the Two Areas and throughout Sudan

Your Excellency and Mr. President,

In light of the impasse at the 10th round of peace talks in Addis Ababa between the government of Sudan and the SPLM-N, we believe it is critical to recognize that it is a violation of international law to block humanitarian aid to innocent civilians living in conflict zones. Therefore, no party to the conflict should prevent the international community from providing humanitarian aid to the people affected by conflict in the Nuba Mountains/South Kordofan and the Blue Nile states, commonly referred to as the Two Areas, of Sudan, or any other area within Sudan. According to multiple UN General Assembly Resolutions, UNOCHA, and the ICRC, **humanitarian actions are founded on four guiding principles: humanity, neutrality, impartiality and independence.** These principles provide the foundation to establishing and maintaining access to affected people in a complex emergency such as armed conflict. If humanitarian assistance relief actions do not follow these principles then the entire operation puts the victims of conflict at risk and humanitarian assistance can become a weapon in furtherance of armed conflict.

Since June 2011, the Government of Sudan has persisted in an aerial campaign to bomb the people and villages of the Two Areas, with attacks consistently having no military objective. Recent reports indicate the government is preparing for renewed fighting in the Two Areas with the delivery of new military equipment and reinforcements and the announcement by the Defense Minister to Parliament that the Two Areas “will be liberated through a massive military operation.” Aerial bombardment has terrorized the civilian population, killed, maimed and injured thousands, displaced over a million people, and intentionally destroyed crops, the primary food source for the civilian population. At the same time, the Government of Sudan has effectively refused to allow humanitarian assistance into the Two Areas, often putting forward conditions that make providing humanitarian assistance impossible.

Article 7 of the Rome Statute, the founding legal statute of the International Criminal Court (ICC), sets forth crimes against humanity as including inhumane acts of intentionally causing great suffering, or serious injury to body or to mental or physical health. Further, other international criminal tribunals have rendered convictions based on similar principles. In its judgment in *Kristic*, the International Criminal Tribunal of the Former Yugoslavia (ICTY) found that the blocking of aid convoys was part of the “creation of a humanitarian crisis,” which, combined with crimes of terror and forcible transfers, incurred individual responsibility for inhumane acts and persecution as crimes against humanity. The International Committee of the

Red Cross has also interpreted the Geneva Conventions and their protocols to prohibit states from unwarranted refusal of humanitarian access and assistance in conflict zones.

Specific to Sudan, UN Security Council Resolution 2046 strongly urges the parties to comply with international humanitarian law and the guiding principles of emergency humanitarian assistance for safe, unhindered and immediate access of the United Nations and other humanitarian personnel to deliver equipment and supplies and to assist conflict-affected civilian populations. The African Union Peace and Security Council has repeatedly urged the parties to respect human rights and International Humanitarian Law and to allow humanitarian assistance to reach those in need.

During the peace talks in Addis Ababa, the government of Sudan indicated that it would allow cross line humanitarian assistance to be provided from government-controlled areas, meaning that the government would be involved or would be perceived to be involved in the delivery of humanitarian assistance to the same people it is violently targeting, a clear violation of the principles of humanity, neutrality, impartiality and independence the people of the Two Areas have a right to enjoy. **For obvious reasons, the people of the Two Areas do not trust the government of Sudan, and many parts of the population may well refuse to accept assistance that emanates from government-controlled areas. This will make assistance coming solely from government controlled areas ineffective and will undermine the very result that the international community is hoping to create.**

We urge the United States, the United Nations, and other interested parties to stop the ongoing crimes against humanity in the Two Areas and throughout Sudan by upholding international humanitarian law that ensures the unhindered delivery of assistance from multiple locations by the international community so that the people of Sudan can receive the life giving assistance that they so sorely need.

Sincerely,

Blue Nile Association for Peace and Development USA
Commission for Protection of Civilians and Human Rights - Blue Nile, Sudan
Funj Youth Development Association (FYDA) - Blue Nile, Sudan
Sudan's Peace and Development Centre - Blue Nile, Sudan

National Human Rights Monitors Organization - South Kordofan/ Nuba Mountains, Sudan
Nuba Christian Family Mission
Nuba Mountains Advocacy Group USA
Nuba Mountains Center for Strategic Planning and Dialogue - London
Nuba Mountains Civil Society Organization Alliance - Sudan
Nuba Mountains Civil Society Organization Union - USA and UK
Nuba Mountains International Association - Australia
Nuba Mountains International Association - Canada
Nuba Mountains International Association - Egypt
Nuba Mountains International Association - USA
Nuba Mountains People's Foundation - UK
Nuba Mountains People's Media Abroad
Nuba Mountains Solidarity Abroad (NMSA) - UK and Ireland

Nuba Mountains Union of Associations and Organizations - Africa
Nuba Mountains International Association - Lebanon
Nuba Now - UK
Nuba Vision Coalition, Inc.

Civil Society Initiative - Signatory to Sudan Call Alliance
Sudanese Solidarity Committee - Khartoum

ACAVIE (Asociación) - Spain
Arab Organizations Coalition for Sudan (ACS) - Cairo, Egypt
Association du RIF pour développement - France
Collectif Urgence Darfour – Paris, France
Darfur Association in Uganda
Darfur Relief and Documentation Centre - Geneva
Darfur Solidarity Group - South Africa
Darfur Union in the UK and N. Ireland
East and Horn of Africa Human Rights Defenders Project - Uganda
Human Rights Organization and Development (HUDO) - Uganda
International Refugee Rights Initiative - Uganda
Jerusalem Center for Genocide Prevention
PAX for Peace – The Netherlands
People4Sudan - Geneva
Society for Threatened Peoples - Germany
Sudan Democracy First Group (SDFG) - Uganda
Waging Peace - London

Act for Sudan
Humanity United
United to End Genocide
African Freedom Coalition
African Soul, American Heart
American Friends of the Episcopal Church of South Sudan and Sudan (AFRECS)
Beja Organization for Human Rights and Development
Brooklyn Coalition for Darfur & Marginalized Sudan
Carl Wilkens Fellowship
Catalyst Schools Projects
Christian Solidarity International - USA
Colorado Coalition for Genocide Awareness and Action
Colorado Episcopal Foundation
Darfur Action Group of South Carolina
Darfur and Beyond
Darfur Interfaith Network
Darfur Peoples' Association of New York
Darfur Women Action Group

Dear Sudan Love Marin
Genocide No More - Save Darfur
Genocide Watch
Georgia Coalition to Prevent Genocide
Human Rights & Advocacy Network for Democracy (HAND)
Idaho Darfur Coalition
International Justice Project
Investors Against Genocide
Jews Against Genocide
Joining Our Voices
Long Island Darfur Action Group
Massachusetts Coalition to Save Darfur
Mercy Beyond Borders
Never Again Coalition
New York Coalition for Sudan
Northwest Bronx for Change
Nubia Project
Operation Broken Silence
Our Humanity in the Balance
Pittsburgh Darfur Emergency Coalition
Project Expedite Justice
San Francisco Bay Area Darfur Coalition
Society for Threatened Peoples
Stop Genocide Now
Sudan Advocacy Action Forum
Sudan Human Rights Network
Sudan Unlimited
Sudanese Marginalized Forum-USA
The African Services Coalition of South Carolina
The Elsa-Gopa Trust
The Institute on Religion and Democracy
Unite for Darfur Org.
United Sudanese and South Sudanese Communities Association
Use Your Voice to Stop Genocide RI
Voices for Sudan

Abderhaman Mohamed Gasim
External Relations Secretary
Darfur Bar Association, Sudan

Ahmed H. Adam, A Visiting Fellow
Institute for African Development (IAD), Cornell University

Albaqir A Mukhtar (PhD), Director
Al Khatim Adlan Center for Enlightenment & Human Development (KACE)
Khartoum, Sudan

Andrew Natsios, Executive Professor
Former U.S. Special Envoy to Sudan
George H.W. Bush School of Government and Public Service
Texas A&M University

Baroness (Caroline) Cox
House of Lords and CEO, HART

Dr. Amin Mekki Medani
Human Rights Lawyer
Former Special Representative for the United Nations for Gaza, Bosnia and Lebanon

Dr. Gregory Stanton
Founding President, Genocide Watch
Research Professor in Genocide Studies and Prevention, George Mason University

Dr. Pascale Hatcher, Associate Professor
Faculty of International Relations
Ritsumeikan University, Japan

Dr. Samuel Totten, Professor Emeritus
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Sudan Researcher

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London, UK

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Cornell University
Caceres-Neuffer Genocide Action Group

Khalid Kodi, Adjunct Professor
Boston College and Brown University

Lord Alton of Liverpool
Member of the All Party British Parliamentary Group on Sudan
Professor of Citizenship, Liverpool John Moores University

Mukesh Kapila CBE
Former Head of the UN in Sudan
Professor of Global Health and Humanitarian Affairs
University of Manchester

The Reverend Ronald D. Culmer
St. Clare's Episcopal Church

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Director, Center for Human Rights & Peace Studies
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Oxford University