

**Conseil de sécurité**

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**Lettre datée du 27 septembre 2000, adressée au Président
du Conseil de sécurité par le Représentant permanent du Soudan
auprès de l'Organisation des Nations Unies**

1. J'ai l'honneur de vous faire tenir ci-joint le texte d'un article publié dans le *Washington Post* du 27 septembre 2000, intitulé « Review of Sudan attack sought » (Demande de réexamen de l'attaque contre le Soudan) (voir annexe).
2. L'article signale que le représentant Dana Rohrabacher a déposé cette semaine un projet de loi demandant que le Tribunal d'arbitrage des États-Unis examine la question du bombardement de l'usine pharmaceutique d'Al-Shifa par le Gouvernement américain en 1998 et détermine si le Congrès doit verser des dommages-intérêts au propriétaire de l'usine pour un montant de 50 millions de dollars.
3. L'article cite le représentant Rohrabacher qui a déclaré que l'attaque ne semblait pas justifiée et estimé que le Congrès devait examiner la question de savoir si le propriétaire de l'usine, M. Salah Idris, et sa société pharmaceutique avaient droit à réparation.
4. L'article mentionne l'avocat Stephen J. Brogan qui a déclaré que personne ne pensait qu'il s'agissait d'une usine de fabrication d'armes chimiques, que le Gouvernement avait commis un impair classique et que, dans ces conditions, il devait prendre les mesures qui s'imposaient, afin d'éviter que l'affaire ne demeure éternellement en litige.

Je vous serais obligé de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

Le Représentant permanent
(Signé) Elfatih Erwa

**Annexe de la lettre datée du 27 septembre 2000, adressée au
Président du Conseil de sécurité par le Représentant permanent
du Soudan auprès de l'Organisation des Nations Unies**

Article publié dans le *Washington Post* du 27 septembre 2000

Demande de réexamen de l'attaque contre le Soudan

THE WASHINGTON POST

Wednesday, September 27, 2000

By Vernon Loeb

Rep. Dana Rohrabacher (R-Calif.) introduced legislation this week asking the U.S. Court of Claims to review the Clinton administration's 1998 bombing of a pharmaceutical plant in Sudan and to determine whether Congress should award the plant's owner \$50 million in compensation.

While administration critics on Capitol Hill have previously questioned the attack, Rohrabacher's legislation represents the first call for reparations and could bolster a move by the plant's owner, Saudi businessman Salah Idris, to obtain compensation through his own lawsuit in the Court of Claims, filed in July.

"The attack appears not to have been justified," Rohrabacher said yesterday in an interview. "If it was a mistake, I believe that we, the Congress, must face up to the question of whether or not the owners of the plant, Mr. Salah Idris and his pharmaceutical company, are entitled to be compensated."

CIA Director George J. Tenet and other senior administration officials continue to defend the Aug. 20, 1998, airstrike on the grounds that the El Shifa pharmaceutical plant in Khartoum, Sudan's capital, had at least a tangential connection to chemical weapons activity.

President Clinton ordered the missile strike in retaliation for exiled Saudi millionaire Osama bin Laden's alleged masterminding of the terrorist bombing of two U.S. embassies in East Africa on Aug. 7, 1998, which killed more than 200 people, including 12 Americans.

But administration officials concede they spoke in error immediately after the missile strike when they claimed that a nerve gas precursor had been manufactured at El Shifa and said that bin Laden had a direct financial stake in the plant.

Since then, they have conceded that the plant was, in fact, manufacturing pharmaceuticals at the time it was destroyed. They have also said publicly that they do not consider Idris a terrorist or believe that he has any links to bin Laden.

P.J. Crowley, a spokesman for the National Security Council, said he could not comment on the issue of compensation, because of Idris's pending lawsuit. But he insisted that the attack against El Shifa was justified on national security grounds. "We stand by the actions that were taken," he said.

To ensure that an independent body considers the question of compensation, Rohrabacher introduced a resolution triggering an established procedure in which the Court of Claims would review Idris's case against the government and report

back to the House within 18 months. For passage, the resolution requires approval only by the House.

If the court found that the attack was in error and recommended compensation, both houses of Congress could adopt its findings and pass legislation making a monetary award to Idris. Rohrabacher also introduced a companion bill to his resolution calling for the U.S. government to pay Idris \$50 million.

Idris filed suit in the Court of Claims in July, saying that \$50 million would be necessary to rebuild the plant, which was reduced to rubble by 13 U.S. cruise missiles. But his attorneys concede that Idris could face difficulty overcoming claims by Justice Department lawyers that the government is immune from damages arising from what are essentially foreign acts of war.

If passed, Rohrabacher's resolution would offer Idris some protection against that defense by ensuring a review of the facts of the case by the Court of Claims, Idris's attorneys believe.

"We would like some way to have an examination of the facts," said Idris's lead attorney, Stephen J. Brogan, a partner at Jones, Day, Reavis & Pogue. "Nobody believes this was a chemical weapons plant. The government made a classical blunder--and under these circumstances, it should do the right thing. Otherwise, it will get litigated forever."
