



Consejo de Seguridad

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Carta de fecha 27 de septiembre de 2000 dirigida al Presidente del Consejo de Seguridad por el Representante Permanente del Sudán ante las Naciones Unidas

1. Tengo el honor de adjuntarle el artículo publicado en el *Washington Post* de 27 de septiembre de 2000, titulado "Review of Sudan attack sought" (véase el anexo).
2. El artículo dice que la diputada Dana Rohrabacher presentó en el curso de la semana legislación por la que se pide al tribunal para juicios contra el gobierno que revise el bombardeo de la planta farmacéutica de Al-Shifa ordenado por el gobierno de Clinton en 1998, y que determine si el Congreso debe otorgar al dueño de la fábrica 50 millones de dólares como indemnización.
3. En el artículo se cita a la diputada Rohrabacher, quien declaró que "el ataque no parece haber sido justificado, y creo, en el Congreso debemos hacer frente a la cuestión de si el dueño de la fábrica, el Sr. Salah Idris, y su empresa farmacéutica tienen derecho o no a ser indemnizados".
4. En el diario se cita al fiscal Stephen J. Brogan, quien declaró: "Nadie cree que se haya tratado de una fábrica de armas químicas. El Gobierno cometió un error garrafal, y en estas circunstancias, debe enmendarlo. De otra manera, el litigio no terminará nunca".

Mucho le agradeceré que haga distribuir la presente carta y su anexo como documento del Consejo de Seguridad.

(Firmado) Elfatih Erwa
Representante Permanente

Anexo de la carta de fecha 27 de septiembre de 2000 dirigida al Presidente del Consejo de Seguridad por el Representante Permanente del Sudán ante las Naciones Unidas

Artículo publicado en el *Washington Post* de 27 de septiembre de 2000

Se pide revisión del ataque contra el Sudán

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."
