

**“Genocide and the Rule of Law,”** United States Senate Committee on the Judiciary, Testimony by Don Cheadle, Actor and Activist, 5 February 2007, [http://judiciary.senate.gov/testimony.cfm?id=2521&wit\\_id=6058](http://judiciary.senate.gov/testimony.cfm?id=2521&wit_id=6058)

Good afternoon Mr. Chairman, Ranking Member Coburn, and members of the Subcommittee on Human Rights and the Law. Allow me to begin by saying that I am not only honored but also somewhat awestruck to be appearing before you today to testify about the ongoing crisis in Darfur. I was invited here this afternoon to recount for you my personal experiences in Sudan and Chad so as to put a “human face” on what has been transpiring in that region for the past three to four years. There’s more I could say in the way of a preamble – giving you my background and how I came to be involved with Darfur, but as time where this matter is concerned is rapidly running out for most and has already expired for far too many, I’ll get right to it.

After accepting this invitation, looking at the task before me, I started scrolling through my mental Rolodex to recall stories of Darfur, finding each one more tragic and gruesome than the last, yet trying to select the one that was the most shocking, the saddest, rife with the kind of terrifying imagery that would galvanize the room, causing everyone here to knit their brows, wring their hands and shake their heads.

But then, two things occurred to me, one, all the stories fit that description and two, you all already know this. Even if your knowledge of the situation in Darfur is only anecdotal, given your familiarity with similar tragedies, which have unfolded in Armenia, Cambodia, Kosovo and Rwanda, you know the stories all have an eerily familiar ring. Hundreds, thousands, hundreds of thousands, singled out for their ethnicity or their religious or political affiliations, are systematically targeted for extermination.

Instead of the Interahamwe in Rwanda, it is the marauding Janjaweed in Darfur who prey on unarmed civilians. The government in this case uses Russian-made Antonov bombers for the first wave of attacks on the villages, followed by foot soldiers sweeping through for the second wave, then finally the marauders ride in on camel and horse back to loot, burn and mop up the stragglers. Invariably there are numerous accounts of unspeakable brutality to the victims prior to their deaths, with the survivors more often than not being made to witness these acts, as well as, if they are female, being gang raped, another common tactic of the perpetrators – leaving the victims, terrified, demoralized and ashamed. And where Darfur is concerned, if you are a woman living in the camps you have the added horror of potentially being raped again when you leave the compound seeking much needed firewood for cooking to sustain your family’s meager existence or when the camps are raided, as is also happening now. This is a facet of war after all, and at its basest, these are common occurrences.

The sickness and depression in the camps is palpable as more refugees roll in daily, bringing with them what little they can carry, what family managed to survive and a spirit bruised, battered and broken. I could plug in the names Fatima or Hawa or Adom to personalize these events, but every story told to me in the camps followed along similar lines, the only difference being the individual recounting it at the time. And every day

since, up to and including this one, these stories continue to churn out of Darfur's human grinder at a rapid pace, with no end in sight.

And there you have it: a "human face," an accounting. And what of it?

In the 100 days of Rwanda's ethnic cleansing, with nearly a million souls brutally murdered, the most efficient extermination to date, most claimed to have known nothing about it even years after its occurrence – a claim easy to believe given the dearth of news coverage those tragic events received. The news coming out of Africa in 1994 seemed to be all about Nelson Mandela's leadership and the end of apartheid. Many of the South African actors I worked with during the filming of *Hotel Rwanda* admitted, surprisingly, that they had no idea genocide was taking place, figuratively just "up the road" from them. And surely it wasn't until the film's release that most people in this country had even heard of the place. Unless you were going on vacation to see the mountain gorillas, Rwanda wasn't exactly considered the greatest of getaways, no pun intended.

But Rwanda differs greatly from Darfur in many ways; perhaps the one most worth noting for our purposes is that this conflict in western Sudan has far exceeded 100 days in length. Darfur has been on a slow boil for four years now. Four years. And over those four years network news has reported about the crisis, articles have been written, rallies, protests and marches organized, concerts dedicated, benefits held, divestment bills signed, lectures made... our president has even labeled the crisis a genocide. Yet here we are, four years in and counting. The question is, what will be done about it?

To be clear, I ask you what will be done – not what can be done, for that question has been asked ad nauseam and contains within it connotations of powerlessness and surrender. What will be done is a very different question. Rather than succumbing to the monster of despair, "What will be done?" presupposes that there are indeed answers, solutions, actions to be taken that yet remain dormant. This is the appropriate question for Darfur and for the committee members convened here today.

Over the last year I have heard a great many answers to this question offered and have been privileged to participate in several efforts toward gaining peace in Darfur. I traveled to the region with a congressional delegation followed by *Nightline's* cameras to chronicle the journey and broadcast the stories to a wide audience in an effort to raise awareness about the plight of the Darfurians.

I was enlisted in the ranks of UCLA students to push for their college and the entire UC Regents to divest their portfolios' funds from businesses working in the Sudan, a policy that was later adopted by the entire state of California and signed into law by Governor Schwarzenegger last year. Similar legislation is now pending in many states across the U.S. and in a personal gesture of solidarity, Chairman Durbin and Senator Brownback have likewise divested their family holdings from companies profiting in Darfur, a very important action that I hope everyone will follow.

In December, I was fortunate enough to travel with a small delegation to China and Egypt

- both very important countries to Sudan - in an attempt to persuade their leaders to exert their considerable influence in the region, publicly condemning the continuing bloodshed while strengthening their “back-door diplomacy.”

In May, there will be a book on the stands I co-authored with the International Crisis Group’s John Prendergast in an attempt to demystify the conflict and give insight to not only our activist roots and personal journeys, but also hopefully to provide a primer for those who wish to become more actively involved in seeking solutions to this and other acts of inhumanity around the world.

Valiant efforts? Perhaps. Effective? The jury’s still out. Enough? Not even close. 500,000 dead and dying plus 2.5 million displaced equals a massive humanitarian crisis deserving of massive, immediate attention. There is a small army of activists collecting, armed with unbridled enthusiasm and prepared to throw themselves headlong into the fight. But our well-intentioned efforts will wither on the vine if not guided and supported by the likes of you potential architects of change, bringing all of your collective pressure to bear on the powers that be. There are many actionable tactics that remain untried in this current iteration of violence that have been proven to be highly effective in the past and they need to be implemented now, without delay.

We need multiple players engaged in consistent and continual negotiations with the leaders in Khartoum as well as the rebel factions to get them back to the table to broker an agreement that is durable. Only with a committed team of diplomats working tirelessly to understand, unravel and interpret each party’s demands will we begin to see a shift toward a solution, and to that end the President’s Special Envoy to Sudan, Andrew Natsios, along with Salim Ahmed Salim of the AU and the UN’s Jan Eliasson must be fully supported in their work, financially as well, and the U.S. should take the lead.

We need high-ranking members in this administration to weigh-in heavily in this process so as to be taken seriously by the GOS to achieve a favorable outcome.

We need to support the ICC in their efforts to prosecute the perpetrators of these crimes against humanity by sharing information and declassified intelligence vital to their investigations so that when charges are made, they stick. In the four years that this conflict has been raging out of control, not a single senior member of the Khartoum government has been punished.

The UN Security Council, the EU, and the current administration are skilled at threatening to punish those who commit atrocities and obstruct peace-building efforts, but have as yet to follow through.

The latest incident was the U.S. threat to move to an unspecified “Plan B” if the Khartoum regime wouldn’t accept an internationally agreed upon UN role in a peacekeeping force. However, President Bashir and some of the most influential members of the regime have reiterated in no uncertain terms that UN troops are not welcome in Darfur. And what happened as a result? Nothing. There was no apparent

reaction from Washington as its January 1 deadline came and went. This only emboldens Khartoum to press forward with its military objectives, and undermines international efforts to secure a peace deal and get soldiers on the ground that can help protect Darfurian civilians.

We of course should be wary of moving troops, however hybrid, into a sovereign nation without their consent but when does a so-called sovereign nation forfeit its sovereignty? Does killing your own citizenry en masse vitiate that position of sovereignty or is there something even more egregious required for that status to be revoked? Whatever could that be? I shudder to think. Do the small tributaries of information trickled to us by the GOS about terrorists trump the taking of innocent men, women and children's lives? Should these morsels give Khartoum the right to engage in such inhumane activity?

If not, we need to outline specific punitive measures – travel bans, asset freezes, ICC indictments – punishments that can be negotiated down or even taken off the table entirely if the killing ends. But unless the Khartoum regime believes there are real consequences for their actions, unless there is real resolve to carry these punishments out, the status-quo will be maintained and countless more will suffer and die.

In the 1990's Sudan expelled Osama Bin Laden from the country and dismantled his training camps after considerable pressure from the West, most significantly from the United States. Similar pressure should again be exerted to bring an end to this current crisis.

We need to support the current efforts by China to keep the pressure on Sudan, as they are clearly a major player in this. China's hosting of the Olympic Games in 2008 will cast them in a very bright light indeed. We need to seize upon this opportunity to leverage China's desire to be recognized as having changed their questionable ways with regards to human rights issues and their wish to be deserving of the slogan of unity they are promoting for the games of "One world, one dream." As long as they are in essence underwriting the genocide by providing the GOS with the very arms they are turning against their own citizens, China's leadership may be more deserving of the slogan, "One world, one nightmare" – an association they most certainly wish to avoid. We should reach for purchase there. I hope that Mr. Natsios' recent visit to Beijing followed by President Hu's visit to The Sudan may bear fruit, but these should by no means be the only attempts. There are other players who have been involved in this tricky diplomacy, albeit in a quiet way. Maybe it is time that these men and women come to the fore and take advantage of the support of many ordinary citizens around the globe who wish to see the horrors of Darfur come to an end.

Our nation can provide vital communications and other tactical equipment as well as the training necessary for a peacekeeping force in Darfur to operate effectively.

We should push the UN to adopt a more forceful mandate and rules of engagement so that a peacekeeping force, once assembled and deployed, has the authority to provide real protection for the victims rather than simply report about the atrocities they are witnessing.

We should also fund the troops and humanitarian workers from other willing Muslim

countries. South Africa, the Middle East, and South Asia can all play a significant role here. The Egyptians have specifically expressed a willingness to be on board with this.

Any and all of these tactics should be deployed immediately if we are to see any future for the citizens of Darfur.

But if, after all of the committee meetings and brainstorming sessions and discussions and plans about how and when to act, we still find ourselves unwilling to embark on real solutions, then we must cease and desist with all the tough talk. Please, no more mention of no-fly zones and possible NATO intervention forces. Refrain from using the word “genocide” that demands our government respond as put forth by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, an agreement of which we are a signatory. Forgo the lamenting of lost souls in this latest, useless conflict - just write them off, and then let’s by all means please, please banish forever from our lexicon the phrase, “Never Again.” This empty rhetoric is an insult to those in jeopardy and puts the world on notice that where mass atrocities are concerned, America is all bark and no bite.

Perhaps, however, we should look at this a different way. Maybe what is required for our more strenuous involvement is for folks to step it up. Maybe 500,000 dead is simply not enough to warrant action. Maybe a million is more like the target number. I’m serious about this. The “M” word does feature very significantly in our collective consciousness. Perhaps when we can say, “one million Darfurians dead” an alarm will go off and the public outcry will be so deafening that our leaders will face taking action or being run out of office on a rail. At the rate things are moving it will only take four more years to reach this threshold – two years into the term of our next president. Will this crisis be but one of many items on his or her “to do” list or will there have been significant action such as to have made this issue one of careful maintenance rather than more abject consternation? We obviously don’t have the answer, but in this Committee’s inaugural meeting, I can think of no better issue for you to wrestle with as concerned citizens everywhere stand by to see who will get the ten count – you or genocide.

So again, ladies and gentlemen, I pose the question; what will you do?