

The Honourable Chrystia Freeland
Minister of Foreign Affairs
Ottawa, Ontario

The Honourable David Lametti
Minister of Justice
Ottawa, Ontario

June 30, 2019

Dear Ministers Freeland and Lametti,

We are writing this Open Letter to you in response to last week's [Globe and Mail report](#) indicating that the Montreal-based agency Dickens & Madson, headed by Canadian citizen Ari Ben-Menashe, has entered into a contract with Sudan's Transitional Military Council (TMC), which has ruled Sudan since Sudan's former president Omar al-Bashir was removed from power and arrested on April 11, 2019. We urge the Canadian government to investigate this contract closely and pursue all available measures to ensure that it does not facilitate or contribute to human rights violations in Sudan.

As you will be aware, the TMC has in recent weeks been responsible for grave human rights violations in responding to protests and the popular movement pressing for fundamental human rights and democratic reforms in Sudan. That includes attacks on peaceful protesters by the country's notorious paramilitary Rapid Support Forces (RSF) during the morning of June 3, 2019, which resulted in more than 100 deaths and serious injuries of at least 700 people. There are numerous reports of security forces dumping bodies into the Nile River, weighted with bricks. Hundreds of people have been arrested and detained. Security forces have stormed a hospital, firing live ammunition and tear gas at patients and medical staff, in an attempt to arrest injured protesters. Furthermore, the Sudanese population faces considerable obstacles in communicating within and outside the country at this very worrying time, because officials have imposed a shutdown of the internet. A sense of fear and terror prevails in the country.

Amnesty International has also recently publicized new evidence of Sudanese government forces, including the RSF, continuing to commit war crimes and other serious human rights violations in Darfur. We have documented the complete or partial destruction of at least 45 villages, unlawful killings and sexual violence. Notably, senior commanders in charge of the TMC, which includes the RSF, are the same individuals responsible for these atrocities in Darfur.

By any measure Sudan, which has had an abysmal human rights record for decades, is in the midst of a full-blown human rights crisis. Given these urgent concerns, Amnesty International has pressed the UN Human Rights Council, currently in session, to convene a Special Session or at least schedule an emergency debate as part of the regular session of the Council, so as to move forward with independent investigations and other measures.

In this context it is deeply disturbing to learn that a Canadian citizen, heading a Canadian-based agency, entered into a contractual relationship with the TMC on May 7. A reported copy – which we have been able to review – includes promises to:

- lobby the US, Saudi, Russian and other governments, as well as the United Nations, African Union and other organizations and NGOs, to assist in “the devising and execution of policies for the beneficial development of [the TMC's] political aims”;

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- attain recognition for the TMC as the “legitimate transitional leadership” in Sudan and “create a supervisory role for [the TMC]”;
- arrange meetings for the TMC with “senior personalities in the United States”, including a “public meeting between the Honorable President Trump and [the TMC]”;
- arrange “private meetings ... with senior Russian and other political figures”;
- “use best efforts to ensure favourable international as well as Sudanese media coverage” for the TMC;
- “strive to obtain funding and equipment for the Sudanese military”;
- “strive to obtain funding for [the TMC] from the Eastern Libyan Military Command in exchange for [Sudanese] military help to the LNA (Libyan National Army)”;¹
- arrange meetings with “Heads of various Middle Eastern Governments ... to enhance mutual cooperation especially in the field of internal security”;
- “strive to secure ... U.S. investment in a joint oil project involving the Republic of Sudan and the Republic of South Sudan”; and
- “provide military training and security equipment to [Sudanese] military forces.”

Ministers, Amnesty International is calling on the international community, including Canada, to pursue action to address the situation in Sudan. Our recommendations include pressing for all members of the RSF to be withdrawn from policing and law enforcement throughout the country; and calling for army officers, police and intelligence officials, including members of the RSF, who are suspected of crimes under international law and other serious human rights violations, to be suspended, pending investigations leading to prosecution when there is sufficient admissible evidence.

Those recommendations are undermined by this contract, which is intent on strengthening and bolstering the position of the TMC, of which the RSF is a key member. It is also deeply concerning that this contractual arrangement proposes alliances which would potentially link and deepen the human rights crises in both Sudan and Libya.

Notably, the contract involves or contemplates business dealings with three countries – Sudan, Libya and South Sudan – that are currently subject to sanctions imposed by the federal government under the *United Nations Act* and/or *Special Economic Measures Act*. Beyond general concerns about business dealings are specific considerations about possible arms deals. In the case of Sudan, the contract explicitly obligates Dickens & Madson to seek “equipment for the Sudanese military” and “military training and security equipment” for Sudanese forces. With respect to Libya, the reference to “military help” gives rise to the obvious possibility of the sale or exchange of military equipment.

¹ This provision extends Amnesty International’s concerns about this contractual arrangement beyond Sudan to Libya as well, where Amnesty International has documented extensive war crimes and other grave human rights violations committed by the Libyan National Army. See, for example: [Libya: Evidence of possible war crimes underscores need for international investigation](#), 16 May, 2019; [Libya: Civilian lives must be protected as clashes escalate in Tripoli offensive](#), 8 April, 2019; [Evidence points to war crimes by Libyan National Army forces](#), 23 March, 2017.

In this context, it is vital that the Canadian government ensure that no action under this contract breaches Canadian arms control laws and regulations, a particularly important consideration in the wake of Canada having acceded to the *UN Arms Trade Treaty* (ATT) on June 19, 2019. The activities contemplated in this contract may constitute brokering as defined by the *Export and Import Permits Act*. Upon the entry into force of Bill C-47 and its accompanying regulations on September 1, 2019, the brokering of certain military equipment by Canadian citizens and Canadian corporations will require a brokering permit. We expect that any application for such a permit by Mr. Ben-Menashe and/or Dickens & Madson for its activities related to the TMC contract will be subject to thorough scrutiny in light of Sudan, Libya and South Sudan's human rights records and in full compliance with both Canadian law and Canada's international legal obligations under the ATT.

Ministers, we expect that you will share Amnesty International's concerns about this situation and look forward to hearing of the steps you propose to take to investigate thoroughly and take action. We would welcome a meeting with you or your officials to discuss these concerns further.

Sincerely,



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cc. Ari Ben-Menashe, Dickens & Madson (Canada) Inc.
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