



It's time for Sudan to compensate victims for the Nairobi terrorist attacks

By **Edith L. Bartley**

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Edith L. Bartley is the spokesperson for the families of the Americans killed in the August 7, 1998 U.S. Embassy bombing in Nairobi, Kenya.

Last month, the Supreme Court ruled that Sudan owes punitive damages for victims of the horrific Aug. 7, 1998, dual bombings of the American Embassies in Tanzania and Kenya. This historic court win represents another big step in the long struggle by victims and their families to ensure that regimes that support unspeakable acts of terror against Americans are brought to justice. It comes just as the Trump administration is close to finalizing a diplomatic settlement agreement with Sudan to resolve all the claims of those, like us, who have long pursued the Sudanese government in court for providing safe haven and support to the al-Qaeda terrorists who carried out the two attacks.

The search for justice is very personal to me. My father, Julian L. Bartley, the first African American consul general to serve our country in Kenya, was a highly respected career diplomat. My younger brother, Julian L. Bartley Jr., was a college student and summer intern at the Nairobi embassy. Both were killed in the terrorist attack. This was an unimaginable loss to me and my mother as my father and brother were half of my immediate family.

As a longtime advocate and spokesperson for the families of the 12 Americans killed in these bombings, I am speaking publicly to support the administration's diplomatic efforts to reach an agreement with Sudan's new government to resolve all of the claims we and others — Americans, Tanzanians and Kenyans — have pursued in court in the years since the attacks.

For the past 22 years I have advocated in Congress and the courts for diplomats, CIA officers and other U.S. embassy personnel who deserve our nation's support when they are killed or injured in the line of duty. We proved in court that Omar Hassan al-Bashir's regime in Sudan (as well as Iran) supported the al-Qaeda terrorists, and was therefore legally responsible for these notorious acts of terror. The Supreme Court's ruling caps a long series of court decisions accomplishing this goal.

And while we were fighting Sudan in the courts, Congress enacted the United States Victims of State Sponsored Terrorism Fund. This fund, administered by the Justice Department, has already resulted in some compensation to families of the Americans as well as to the foreign nationals and contractor employees who were killed and injured in the 1998 bombings. For all this, we are very grateful for the bipartisan support we have found in Congress.

Separately from the fund and our success in the courts, and with the encouragement of the State Department, we have engaged directly with Sudan to ensure that this country meets its legal and moral obligations to the victims. For several years, we have continually supported efforts to reach a settlement with Sudan that is fair for all victims. Sadly, we were unable to reach any agreement with the prior regime of Bashir.

Since Bashir was overthrown in Sudan's peaceful revolution last year, the administration has made significant progress in getting Khartoum to resolve, through diplomacy, the claims of all those who have been pursuing it in the courts. And with this progress — in court and in diplomacy — we have also witnessed a willingness on the part of the new Sudanese government to distance itself from the terrorist conduct of its criminal predecessor.

Unfortunately, the compensation proposed in the administration's diplomatic agreement with Sudan will not be close to what was awarded by the courts, and clearly cannot adequately compensate anyone for our horrific losses. While this is disappointing, we understand that the international bilateral claims agreement contemplated by the administration and Sudan is modeled on the agreement with Libya reached in 2008 by President George W. Bush and then-Secretary of State Condoleezza Rice. Indeed, the Sudan proposal goes far beyond the Libya model by paying compensation to foreign nationals and family members who have been excluded from international claims agreements in the past.

We, the families of those Americans whose lives were cut short in August 1998, believe that the administration has been forthright with us in explaining the complex practical and legal obstacles it faces to resolve these claims and the need to support the new civilian government of Sudan. We believe that the administration has pressed Sudan hard, and that the resulting bilateral agreement will provide a measure of justice for all the victims and families.

Clearly, Sudan must pay significant compensation before it can be removed from the state sponsors of terrorism list, and the proposed diplomatic settlement of our claims by Secretary of State Mike Pompeo is an important step. We support those efforts and look forward to the day when all victims and families — Americans, Kenyans and Tanzanians — can look back on these years of struggle and pain with pride for contributing to this noble achievement.