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## **Darfur and Sudan: A Review and Analysis**

### **Genocide Pussyfooting and Shadow Boxing in Darfur - Is South Sudan Next?**

*With a "Darfur Timeline" and GPN Interview of a Darfur Survivor*

**Alex Barnea Burnley, Yael Stein, Elihu D Richter**

GPN Original

GPN Timeline

GPN Interview

*In 2008 the International Criminal Court indicted President Al Bashir for genocide and other crimes against humanity.<sup>1</sup> By 2010, the death toll from the genocide in Darfur is estimated between 300,000 to 450,000, with tens of thousands of victims of organized mass rape, and hundreds of thousand victims of expulsions, pillaging, and destruction, and reportedly with over a million internally displaced people. Reportedly, as well, 250,000 refugees or more have fled to Chad. Today, however, as a nervous calm prevails in Darfur, refugees are beginning to return.*

*The origins of the outbreak of organized mass killing date back to regional Malthusian pressures and zero-sum rivalries over water and land, between nomadic herders -- mostly Arab, and farmers -- mostly black Africans, which broke out in the late 1990's. The leaders of the Sudanese Government orchestrated and provided backing for the Janjaaweed, [a militia reported to be enlisted by the Sudan government - Ed.] and some of them stand accused as perpetrators.<sup>2</sup> The victims were members of the Fur, Zaghawa and Masalit tribes.*

*The use of racial epithets reported by rape victims coinciding with the direct increase in backing of the central government forces for the Janjaweed, is one of the lines of evidence arguing for the emergence of a genocidal pattern of direction and intent. Janjaweed marauders raped tens of thousands of women. Malthusian pressures over water and land may have triggered original conflicts, but by themselves were do not explain the scale and ferocity of the atrocities.*

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### **Responders and Complicit Bystanders**

China, seeking oil rights in Darfur has been the Sudanese government's major protector, together with Iran, the Arab League, and African leaders. Talisman, a Calgary based Canadian oil company, was forced to pay heavy fines for reportedly hiring its own advisers to co-ordinate military strategy with the government, to force Darfurians off of lands destined for drilling. (See <http://www.africafiles.org/article.asp?ID=621>).

### **Tipping Points**

In retrospect, the last big tipping point was in the Autumn of 2004, when US Secretary of State Colin Powell reported to the United Nations that the results of the an investigation indicated that acts of genocide had occurred. A flawed UN investigation questioning this conclusion undermined the case for action.

The Darfur coalition of activist organizations, shied away from recommending the use of force (such as the use of helicopter gunships) to stop the Janjaweed from carrying out their genocidal massacres, or naval or air blockades against the Sudanese government

### **Current Tipping Point Situation**

Currently there is a new "tipping point," as the perpetrators of the genocide in Darfur weigh the prospect of intervention in south Sudan, should its inhabitants vote for independence. There is a case for the world community to take proactive precautionary protective measures to prevent a new genocide.

By 2008, when Luis Moreno Ocampo, the Chief Prosecutor of the International Criminal Court, announced his plans to indict President Al-Bashir, the toll from organized mass atrocities in Darfur, the western Sudan and eastern Chad had been estimated between 300,000 and 450,000 dead - almost 10% of Darfur's entire population, tens of thousands of victims of organized mass rape, and over a million victims of expulsions, pillaging, and destruction.<sup>3</sup>

There have been reportedly hundreds of thousand refugees or more who fled from Darfur to Chad and elsewhere.<sup>4 5 6 7</sup> By Jan 2010, the *New York Times* reported that a fragile calm was holding in Darfur, a region larger than France. It notes that few on the ground are talking. The official line in world capitals is that the war between Darfur rebels and the government is over, but the humanitarian crisis continues, and insecurity poses serious problems for aid workers and peacekeepers.<sup>8</sup>

Ocampo characterized the recent election in Sudan as equivalent to a poll under Hitler. Prior to the election, Bashir threatened to expel poll observers.<sup>9 10</sup> Recently, the Obama Administration has decided to normalize relations with Sudan based on its assessment that the genocide was over.

## **Background**

Darfur in western Sudan has an estimated total population of 6 million in a land area about the size of Spain; pop. density approximately 25-50 persons/km<sup>2</sup> in most populated areas.<sup>11 12</sup>

The origins of the outbreak of organized mass killing date back to regional Malthusian pressures and zero-sum rivalries over water and land between nomadic herders, mostly Arab, and farmers, mostly black Africans, which broke out in the late 1990's. Prior to desertification and drought, the lands of the farmers were fertilized by flocks of sheep brought by nomadic tribes.

**Context: Upstream pressures and Islamist expansionism?**

Drought, population growth, overgrazing, and desertification were so-called upstream catalysts of political unrest, attacks on government outposts, and later, armed conflict, but there is good reason to believe these ecologic pressures were not determinant. There are accusations that the Sudanese government in Khartoum is taking action to “Arabize” Sudan.<sup>13</sup>

Before Darfur, there was a twenty year civil war in the South resulting in two million deaths.

In 2002-3, attacks by rebel armed groups in Darfur on Sudanese Government Police Stations increased and low-intensity warfare broke out. By the end of 2004, the Janjaweed had killed some 70,000, raped untold numbers of women, plundered and expelled hundreds of thousands.<sup>14 15 16</sup>

In the early years, journalists and human rights NGOs provided early warning reports on genocidal massacres.<sup>17 18 19 20</sup> The US State Department collected and published epidemiologic evidence on timeline and scale of the atrocities. This evidence suggested support and direction by the Sudanese. Based on this evidence, the US declared that acts of genocide had occurred.<sup>21</sup> After Colin Powell delivered this report to the UN, a methodologically flawed UN report cast doubt on his conclusions.<sup>22</sup> There was an abrupt mass upsurge, forced migration, destruction of villages, rape, pillaging and killing, and by 2005, the toll is reported to have reached some 250,000.<sup>23 24 25 26</sup>

To this day the Sudanese government has claimed that there were no more than 10,000 victims from what it calls a civil rebellion. There have been claims that the violence and mass killings were not genocidal but a consequence of a civil war between the Central Government and groups of Darfurian rebels, seeking strategic victim-hood to provoke international pressure for an intervention.<sup>27</sup> The horrendous scale, cruelty, and viciousness of the massacres perpetrated by the Sudanese government renders such a hypothesis somewhat hollow.

## **Perpetrators and Victims**

The leaders of the Sudanese Government orchestrated and provided backing for the Janjaweed, and some of them stand accused as perpetrators.<sup>28</sup> The victims were members of the Fur, Zaghawa and Masalit tribes. Hagan's report on the use of racial epithets reported by rape victims coinciding with the direct increase in backing of the central government forces for the Janjaweed, is one of the lines of evidence arguing for the emergence of a genocidal pattern of direction and intent.<sup>29</sup> So far, little evidence has emerged on the use of state-sanctioned incitement in government statements, media, and state supervised mosques. This suggests a strategy of concealing intent rather than drawing attention to it.

### **Victims: Rape as an instrument of genocide in Darfur.**

The *UN Convention on the Prevention of Genocide and its Punishment* specifies that **that killing or causing bodily harm to members of a national, ethnical, racial or religious group are genocidal acts.**<sup>30</sup> Throughout Darfur, survivors of attacks by the Janjaweed reported mass rapes. In 2010, girls and women continue to be raped, not just by Janjaweed and Government of Sudan forces but also by members of various rebel groups.<sup>31 32</sup>

During 2004-5 almost 500 women were given medical care following rape. This number represents a tiny percentage of the women actually raped. The majority (82%) of women and girls were raped while they were pursuing their ordinary daily activities. Only 4% of women reported that the rape occurred during the active conflict, while they were fleeing their home village. Almost a third (28%) of the victims reported that they were raped more than one time, either by single or multiple assailants. A number of women described that the rapists abducted them and held them captive for several days and during that period they were raped regularly by several men. One woman reported that her abduction lasted 6 days and she was raped by 10 men. In addition, almost half of the survivors reported that there was more than one victim in the attack.

In more than half of the cases, physical violence was inflicted beyond sexual violence; women were beaten with sticks, whips or axes. Some of the raped women were visibly pregnant at the time of the assault, sometimes up to eight months.<sup>33 34 35 36</sup> The age range of victims of, attempted rape and physical assault was 5 to 60, a large percentage being very young girls and teenagers.<sup>37</sup> These attacks on women are characterized by extreme physical abuse. Women who attempt to escape or resist attack are beaten, tortured or killed. Some women have reported having their fingernails pulled out as a form of torture or their legs broken so that they are not capable of escaping.<sup>38</sup>

During the attacks, the Janjaweed often berated the women, calling them slaves, telling them that they would now bear a 'free child,' and asserting that they (the perpetrators) are wiping out the non-Arabs.<sup>39 40</sup>

### **Responders and Complicit Bystanders**

China, seeking oil rights in Darfur, has been the Sudanese government's major protector, together with Iran, the Arab League, and African leaders. The latter have been nervous about threats to sovereignty from outside intervention by former colonial rulers. In Darfur, as in Rwanda and Bosnia, non-interference by international agencies signaled reluctance to take effective actions against decisions by national leaders to commit genocide.

In Darfur, as in Rwanda, the dispatch of a well- armed UN or African force with a robust mandate to protect civilians could have stopped the spread of organized killing, pillaging and expulsions. African Union Peacekeeping forces now provide a token presence, which may be helping to preserve the uneasy calm. These forces provide some degree of protection for humanitarian aid workers. But up to 2007-8, it appears their impact was limited. There is concern that the current calm presages the possibility of relocation of the Sudan military and a push into South Sudan by the central government, to prevent the latter from breaking away and declaring its independence.

### **Complicit Bystanders: China and Oil Companies**

Major Western powers have failed to do even what they did belatedly in Bosnia and Kosovo. The presence of major untapped oil reserves in Darfur as well as southern Sudan undermined international support for outside pressure on the Sudanese government, to stop its support for the armed Janjaweed.<sup>41</sup>

This role of China as a protector of Sudan's genocidal leaders suggests certain rough parallels to its role as a protector of repressive regimes in North Korea, Iran, and Zimbabwe; and resonates with its own dismal record in mass killings and cultural genocide in Tibet, and its persecution of religious minorities inside its own borders.

### **The role of multinational oil companies**

Talisman, a Calgary based Canadian oil company, has been accused of collaborating on a plan with the Sudanese government for the security of oilfields and forced to pay heavy fines. Talisman reportedly hired its own advisers to coordinate military strategy with the government. The company mapped out areas intended for exploration and discussed how to exclude civilians from those areas. Faced with mounting criticism, Talisman sold its interests in Sudan to Petronas, the Malaysian oil giant.<sup>42</sup> A court ruling against Talisman held that corporations may be held liable, under international law, for crimes against humanity.<sup>43</sup>

### **Malthusian pressures, genocide, and ecocide**

In July 2007, The International Association of Genocide Scholars ratified a resolution calling for prosecution of oil companies. This resolution specified that "Investments in PetroChina and Petronas and in other petroleum companies that are profiting from Sudanese oil extraction should be outlawed by state and national governments. Companies implicated in the use of forced expulsions of Sudanese people inhabiting lands designated for oil prospecting, should be prosecuted for crimes against humanity."<sup>44</sup>

### **Malthusian Pressures and Genocide**

The story of Darfur requires us to ask how important are Malthusian conflicts over limiting resources for increasing risks for genocide? When is it sufficient to address upstream “environmental” pressures of depletion and destruction of carrying capacity, to prevent political conflict and genocide? And if intervention is successful in stopping genocide, how sustainable will its results be, without attention to these upstream pressures?

*In Darfur, however important ecological pressures may be as trigger events for genocide, we suggest there comes a point at which genocidal agendas –with or without such pressures, take on a momentum of their own. In Darfur, a second generation of pressures generated by global competition over oil, overtook the first generation of such pressures having to do with water and desertification.<sup>45</sup>*

These statements about ecological pressures do not refute the core principles governing the causes and prevention of genocide. Genocide results from human choice and bystander indifference.

### **Tipping Points**

In retrospect, the last big tipping point for those who sought to stop the Genocide in Darfur was in the Autumn of 2004, when there was an enormous surge of reporting and interest in the atrocities. In Sept 2004, US Secretary of State Colin Powell reported to the United Nations that the results of the ADP investigation indicated that acts of genocide had occurred.<sup>46 47 48</sup> The State Department investigation discerned a pattern of central organization, direction and backing for the killings, rapes and plundering, carried out by Janjaweed marauders. As noted above, at that time, gangs of Janjaweed marauders, reorganized, equipped and protected by the Sudanese government, had already killed an estimated 70,000 Darfurians from the 3 tribes.

### **Genocide Pussyfooting**

But the UN’s follow up investigation reported that it was unable to confirm the State Department conclusion that genocide had occurred. This investigation had



gross flaws in organization, design and implementation. It undermined the impact of the State Department report - by manufacturing doubt and undermining momentum for international intervention.<sup>49</sup> Thereafter, following a weak UN resolution, there was a tremendous upsurge in the number of persons killed.<sup>50</sup> In 2004, one of us wrote the following: Based on the evidence from previous genocides, it is unlikely that these violent events will stop without forceful international intervention.<sup>51</sup>

### **Genocide Shadowboxing**

The Darfur coalition of activist organizations shied away from recommending the use of force (such as the use of helicopter gunships) to stop the Janjaweed from carrying out their genocidal massacres, or use of naval or air blockades against the Sudanese government.<sup>52</sup> Human rights organizations used terms such as “killings,” “humanitarian crisis,” and “ethnic cleansing” in their reports, to replace use of the term genocide or genocidal massacres.<sup>53 54 55</sup>

This terminology diffused pressures for effective intervention based on armed force.<sup>56</sup> In August 2006, the U.N. Security Council passed Resolution 1706, authorizing over 20,000 U.N. peacekeepers in Darfur, but the Sudanese government blocked their deployment and the U.N. failed to implement the resolution. Since then, the killings and rape continued.

### **Questions for word decision makers**

Currently there is a new “tipping point,” as the perpetrators of the genocide in Darfur weigh the prospect of invading south Sudan. Whether they will do there what they did in Darfur will depend significantly on bystander response.

### **What Next?**

*GPN* poses the following questions for decision makers concerned with prevention of genocide, genocidal massacres, and other crimes against humanity:

1. Will the world community block President Bashir, now indicted for carrying out one genocide, should he attempt to carry out a second war against Southern Sudan? As this piece went to press, there were reports that the US government was exploring the possibility of a deal in which Bashir would be left off the hook, as part of a Truth and Reconciliation process, in return for which he would grant South Sudan a divorce and independence. We suggest that there should be a Truth and Reconciliation Process, but not for President Bashir and the major architects of the Darfur genocide, given their record of violating so many past accords.
2. Will Ocampo's indictment, though years too late for stopping the genocide, deter the Sudanese government from further mass atrocities—not only in Darfur, but also in Southern Sudan?
3. Should the world Community give Sudan the benefit of the doubt concerning its sovereign rights to hold the country together so long as it is led by a leader indicted for genocide?
4. Should the world community post peacekeeping missions in South Sudan now to avert hostilities, rather than to respond after hostilities begin? Should the African Union and NATO preposition helicopter gunships to attack Janjaweed-type forces should they attack again?
5. Should the UN and the African Union set up an early warning system to monitor for episodes of mass rape, expulsions, and violence using satellite monitoring and imaging systems?
6. Should there be warnings of severe political and economic sanctions on the Sudanese leadership?

If genocide results from human choice and bystander indifference, then what happens in Darfur and Southern Sudan will depend on what the outside world chooses to do or not to do.

## **Conclusion**

In 2009, President Barack Obama declared: "The genocide in Darfur has claimed the lives of hundreds of thousands of people and left millions more displaced. Conflict in the region has wrought more suffering, posing dangers beyond Sudan's borders and blocking the potential of this important part of Africa. Sudan is now poised to fall further into chaos if swift action is not taken."<sup>57</sup> The question is: What action and by whom and why. Is President Obama's use of the passive voice itself a tip-off of future non-action should Bashir's government carry out genocidal massacres in South Sudan?



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<sup>57</sup> US State Department. Sudan: A Critical Moment, A Comprehensive Approach. October 19, 2009.

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<sup>60</sup> See 39

<sup>61</sup> Gottschall J. Explaining Wartime Rape. *Journal of Sex Research*. May, 2004.

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## **Appendix 1 - Sources of Information for Rape in Darfur as a Weapon of War**

*GPN* staff has personally interviewed a woman whose husband was murdered and her friends were gang raped and tortured, and men who managed to escape attacks on their homes and families.

Notes based on paper by Kelly Askin<sup>58</sup>: Following sexual violence, women and girls often fall victim to a terrible sequence of terror, physical and psychological harm. Many of these emanate from what should have been their support network of family and friends. The justice system sees the sex crime victim as "responsible" for the attack and she is in danger of a jail term punishment or public whipping. Many times the rape victim is regarded as "spoiled goods" and considered inappropriate for marriage, if she has not yet rejected all contact with men on her own accord. She is also in danger of becoming pregnant with the child of a rapist, suffering a miscarriage or damage to her reproductive capacity or catching HIV/AIDS, or other severe health consequences, more pronounced in women who have undergone female circumcision and/or infibulations, such as an estimated 89% of women in Darfur.

Eric Reeves<sup>59</sup> describes rape in Darfur as one of the largest elements of insecurity, a weapon of war which is causing enormous consequences of systematic, racially/ethnically-animating sexual violence. This paralyzes civilian movement and powerfully circumscribes the grim lives within overcrowded and under-served camps for displaced persons, broadening insecurity, attenuating humanitarian reach and efficacy and contributing to the desperate decline in morale within many camps.

Tara Gingerich and Jennifer Leaning<sup>60</sup> described the massive campaign of rape in Darfur, as a deliberate aspect of military assault against the lives, livelihoods, and land of Sudan's non-Arab population, serving to create fear, shame, and demoralization among the victims and the entire community. Such mass rape tilted the choice of communities towards flight in advance of the enemy attack and delay of return to captured areas.

These and other researchers bring forth the agenda of cultural and ethnic destruction, weakening marital and communal relations, and degrading the ability of a culture to replenish itself through sexual reproduction.<sup>61</sup>

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