
Rafiki Ubaldo
rubaldo@genocidescholars.org

Follow this and additional works at: https://scholarcommons.usf.edu/jacaps

Recommended Citation
Available at: https://scholarcommons.usf.edu/jacaps/vol1/iss2/8

This Book Review is brought to you for free and open access by the Open Access Journals at Scholar Commons. It has been accepted for inclusion in Journal of African Conflicts and Peace Studies by an authorized editor of Scholar Commons. For more information, please contact scholarcommons@usf.edu.
Journal of African Conflicts and Peace Studies

GENOCIDE IN DARFUR: INVESTIGATING ATROCITIES IN THE SUDAN, EDITED BY SAMUEL TOTTEN AND ERIC MARKUSEN, NEW YORK, ROUTLEDGE, 2006. 284PP. PAPERBACK

Reviewed by Rafiki UBALDO

Genocide in Darfur provides a detailed discussion of the creation, purpose, methodology and findings of the Atrocities Documentation Team (ADT), a group of experts formed by the Coalition of International Justice (under the auspices of the US State Department) to conduct an investigation into the 2003-2004 crisis in Darfur for the express purpose of attempting to ascertain whether or not genocide had taken place there. The book also includes the views and analyses of different genocide scholars and specialists in international law vis-à-vis the findings and ramifications of the ADT. The editors of the book, Samuel Totten and Eric Markusen, were two of the 24 investigators on the ADT.

A territory as large as France, Darfur is located in the western part of Sudan. It shares borders with The Central African Republic, Chad and Libya. Administratively, it is divided into three parts: Western Darfur, South Darfur and North Darfur. Main towns in Darfur are Al Fashir, Geneina and Nyala. Largely populated by black Africans, Darfur is home to more than thirty ethnic groups but the largest are The Fur, The Massalit and the Zaghawa people. The Darfuri are Muslims who speak different African languages as well as Arabic. It is estimated that some 6.5 million people populate Darfur. In his chapter on the historical background of the conflict in Darfur ("Disaster in Darfur: Historical Overview"), Robert O. Collins, a long time Sudanese specialist, reports that volatile and latent ethnic tensions are nothing new, but more recently they have become more violent and sustained as a result of long standing competition for pasture and agricultural land and water, which has been exacerbated by a terrible drought. Furthermore, he notes, the current government's plans to Islamize all Sudan has intensified conflicts between different sections of the Sudanese societies within Darfur. Finally, the black Africans feel that they have been purposely disenfranchised in just about every way possible: education, health, and justice. Fed up that their complaints were falling on deaf ears, segments of the black African people formed a rebel group (which subsequently split and then split again into what are now estimated to be some 30 rebel factions) and attacked Government of Sudan (GoS) military installations in early 2003. Instead of merely attacking and punishing the rebels, the government carried out a scorched earth policy in which its soldiers and the Janjaweed, its proxy militia, attacked all black Africans residing in Darfur.
To date, it is estimated that between 180,000 and over 400,000 black African lives have lost lives in Darfur due to the attacks of the GoS and Janjaweed. Approximately two million civilians have been displaced and now live in Internally Displaced People (IDP) camps around Darfur and over 250,000 refugees are stranded in Chad. There have been negotiations and peace agreements between the belligerents, but all sides in the conflict have broken these peace agreements almost as soon as they have been signed.

In response to growing concerns that the Janjaweed and the Government of Sudan were involved in genocide in Darfur, the US State Department created the ADT in June 2004. In their chapter “Creating the ADT: Turning a Good Idea into Reality,” Nina Bang-Jensen and Stefanie Frease describe in detail the creation and the work of the ADT. They note that members of this team were carefully chosen on the basis of their experiences in investigating or prosecuting large-scale atrocities, expertise in regional affairs in Africa, and experiences in interviewing victims of trauma. While 24 individuals were selected to be investigators, the latter were supported by individuals from different organisations including those from the US State Department’s, The Bureau of Intelligence and Research, and The American Bar Association’s central European and Eurasian Law Initiative. The Coalition of International Justice headed up the entire project.

Since the team could not travel within Darfur since it was not welcome on Sudanese territory, the team was sent to interview refugees in camps along the Chad/Sudan border. The team was in Chad between July and August 2004 and collected over 1,100 interviews with victims of the Darfur conflict. The mission of the ADT was to conduct interviews in refugee camps along the Chad/Sudan border in order to understand the nature of crimes in Darfur and, as mentioned previously, determine whether or not these crimes could be described as genocide under the 1948 Genocide Convention. The findings of this team constituted the backbone of U.S Secretary of State Colin Powell’s conclusion that genocide had taken place in Darfur.

The data collected by the ADT were analyzed by both the US State Department and an outside body. Following a close analysis of the data, U.S. Secretary of State Colin Powell informed The US Senate Foreign Relations Committee, on September 9, 2004, that: "[...] We conclude, I conclude, that genocide has been committed in Darfur and

---


https://scholarcommons.usf.edu/jacaps/vol1/iss2/8
Journal of African Conflicts and Peace Studies

that the government of Sudan and the Janjaweed bears responsibility— and that genocide may still be occurring." It was the first time that one sovereign nation officially and publicly accused another sovereign nation of genocide while the crisis was still active. (The entire testimony of Powell is fully reprinted in the appendices of this book).

The George W. Bush administration based its genocide accusations on stark evidence. The findings of the ADT do not give room for doubt about the extent of the horror experienced by the Africans. As many of the authors note, the interviewees spoke about how they had witnessed “shooting, death from displacement, abduction, beating, rape, hearing racial epithets, villages destroyed, theft of livestock, aerial bombings, looting destruction of personal property”, all at the hands of “the Janjaweed and the GoS (Government of Sudan) military.” Significantly, as Stephen A. Kostas stresses in his chapter, “Making the Determination of Genocide in Darfur,” from the very beginning of the creation of the ADT and throughout the investigation and analyses of the data, Richard Prosper, former US Ambassador-at-Large for War Crimes, and Lorne Craner, Former Assistant Secretary for the State Department’s Bureau of Democracy, Human Rights and Labour, worked hard to make sure the entire process was as “dispassionate and clinical” in order to ensure that the U.S. government would ultimately make “a pure decision, a clean legal analysis free of policy considerations.”

Powell’s accusation of genocide was not entirely new in Washington as on June 22, 2004, the US House of Representatives had unanimously declared that genocide was being perpetrated in Darfur and had urged the US administration to do all it possibly could to intervene and stop the killings. (The House of Representatives, though, had not based their assertion on research conducted by the U.S. government.) Powell’s statement that genocide has been committed in Darfur did not fall in line with the recommendation made by The House; rather, during the course of his testimony he said: “No new action is dictated by this determination [i.e genocide]. We have been

3 Colloquially, according to the black Africans of Darfur, Janjaweed “means, variously, “hordes,” “ruffians,” and “men or devils on horseback.”
5 Samuel Totten, ibid. pp. 200-201
6 Stephen A. Kostas, ibid., p. 120
7 See the Chronology of the Darfur Crisis in Totten, Samuel; Markusen, Eric (Eds), 2006, Genocide in Darfur: Investigating Atrocities in the Sudan, Routledge, London, NewYork, xxvii
doing everything we can do to get the Sudanese government to act responsibly.”

Ultimately, the ADT’s findings were contradicted by the International Commission of Inquiry (COI) in Darfur’s final statement that the government of Sudan was not pursuing a policy of genocide. The COI was created as a result of UN Security Council Resolution 1564 of the United Nations’ (UN) Security Council (after the U.S. Government referred the matter of Darfur to the United Nations) and had the mission to establish whether or not the government of Sudan was committing genocide in Darfur. In its report, released on January 25, 2005, the COI states that “serious violations of international law have occurred in Darfur, including crimes against humanity”. The report came to confirm what Kofi Annan, the then Secretary General of The UN, told the Security Council on November 4, 2004, that “war crimes and crimes against humanity have occurred on a large and systematic scale in Darfur.” Totten’s second chapter in the book, “The U.S. Investigation into the Darfur Crisis and Its Determination of Genocide: A Critical Analysis,” provides a scathing review of the sloppiness of the COI investigation and questions the validity of its finding of no genocide.

In June 2005, The International Criminal Court (ICC) began its own investigations into the crimes committed in Darfur. By then, the UN Security Council had imposed sanctions on four Sudanese accused of having committed abuses in Darfur.

In part, at least, it seems that the US move to label the Darfur conflict as genocide was motivated by the experiences of the horrors of Rwanda in 1994 and Srebrenica in 1995 and the inaction that ensued from the part of the international community. During the genocide against the Tutsi in Rwanda and the slaughter of Muslim men in Srebrenica, different leaders in the world (most prominently, the U.S. Presidential Administration of Bill Clinton) deliberately refused to use the word genocide while killings were ongoing, and, in turn, assiduously avoided sending troops to save lives. And as Stephen Kostas puts it, the Clinton inaction in Yugoslavia and especially in Rwanda was openly criticized and pressure came from people of different walks of life

---

8 See Colin I. Powell, ibid., pp. 266-267
9 See the Chronology of the Darfur Crisis in Totten, Samuel; Markusen, Eric (Eds), 2006, Genocide in Darfur: Investigating Atrocities in the Sudan, Routledge, London, New York, pp. xxxiv
10 ibid., xxxii
11 ibid., xxxviii
not to make such mistakes again.\textsuperscript{12} Determination of genocide in the Rwandan case was a dilemma for the Clinton administration because officials thought they were obliged to act if they used the term “genocide” to describe it. Gerald Caplan’s reflection (“From Rwanda to Darfur: Lessons Learned?”) is another chapter in this book that vividly reminds us of the inaction of the international community when genocide against the Tutsi was being committed in Rwanda.

The explanations behind the real motives of non-intervention in Darfur remain highly speculative among experts. As Gregory Stanton notes in his chapter “Proving Genocide in Darfur,” “The Genocide Convention carries no such legal compulsion to act. It legally requires only states-parties to the convention to pass national laws against genocide and prosecute or extradite those who commit the crime.”\textsuperscript{13} Stanton observes that Article VIII of the Convention vaguely advocates that states-parties may call upon the competent organs of the United Nations to take action under the Charter of the United Nations to prevent and suppress acts of genocide.\textsuperscript{14} As for Article I of the Convention on Genocide, it calls for a moral obligation to prevent genocide, but it does not dictate military intervention or any other particular measure.

Stanton argues that UN Convention on the Prevention and Punishment of Genocide also fit the elements of crimes defined by the Statute of the International Criminal Court (ICC), clarifying that genocide must be the result of a policy systematically organised or guided by direct orders. Stanton goes on to say that evidence collected by the ADT point to the fact that the al-Bashir government has, through its innumerable bombings of villages of black Africans and the ongoing attacks with the Janjeweed, commissioned by the government, carried out such crimes in a systematic fashion as a result of a direct policy. The killings were not only intentional they were selective as well, since Arab villages in Darfur have been left untouched by the attacks. Thus, due to these examples and others, Stanton concludes that “the intentional destruction, in whole or in part, of a national, ethnical, racial, or religious group, as such” is exactly what is happening in Darfur.\textsuperscript{15}

In “The US Investigation into the Darfur Crisis and its Determination of Genocide: A Critical Analysis,” Samuel Totten notes that some scholars have questioned the

\textsuperscript{13} See Gregory H. Stanton, ibid., p.185
\textsuperscript{14} ibid. p.185
\textsuperscript{15} See Gregory H.Stanton, ibid., p. 182
motives behind the determination of genocide by the US Government and the validity of the determination without necessarily refuting the veracity of Darfuri plight as contained in ADT Report. In that regard, Alex de Waal, director of Justice Africa and an expert on The Sudan, not only criticizes the genocide determination but the motives behind the creation of the ADT, but not the content of the ADT report. Samuel Totten quotes him as saying that the determination of genocide is “a cynical addition of “genocide” to America’s armoury of hegemonic interventionism” and that “the genocide finding is accurate to the letter of the law, but it is no help to understanding what is happening in Darfur, or to finding a solution.” Totten, while reflecting on de Waal’s criticism, notes that De Waal, in fact, admits that genocide was the right call, and that over and above that just how did De Waal know that the finding of genocide might not lead to a solution? In fact, Totten notes, “the findings of the ADT led the United States to refer the matter to the UN, and the UN, following its investigation, referred the matter to the International Criminal Court (ICC). As a result of the latter, the ICC is now conducting an investigation into the atrocities in Darfur for the express purpose of bringing suspected perpetrators to trial.” (It is worth noting that after years of conducting its own investigation into the Darfur crisis, the ICC issued charges of war crimes, crimes against humanity, and genocide against President Omar al-Bashir.)

US Secretary of State, Colin Powell’s comments about the US Government’s responsibility (e.g., that determination of genocide does not dictate any other action, such as intervention to halt the genocide) vis-à-vis a finding of genocide suggests that he and his colleagues at the U.S. State Department carefully studied the legal responsibilities inherent in such a finding, and made it knowing that the U.S. would need not do anymore than refer the matter to the UN. More specifically, during the discussions, debates and analysis of the situation and ADT findings, it seems obvious that the U.S. State Department clearly came to understand that no nation is legally bound, as a signatory to the UN Convention on Genocide, to intervene to halt a genocide. It is this matter that constitutes one of the major contributions of this book to the ongoing debates about genocide prevention. It is also this discovery, and subsequent stance by the U.S. government, that, despite its declaration of good intentions, the U.S. has been accused of ignoring the suffering of Darfuri. Some have argued that its lack of action to halt the genocide was due, in part, to the U.S. desire to

16See Samuel Totten, ibid., p. 206
17Ibid., p. 207
18 Ibid. P. 208
maintain good relations with the Khartoum government, a good American partner in the war on terror.\textsuperscript{19}

The picture is not altogether sombre though: the creation, implementation and the findings of the ADT and its analysis in this book illustrate the existence of tools that governmental and non-governmental forces can muster to at least send early warnings and to investigate genocide. The ADT exemplifies possibilities as to how governments and civil society can effectively work together to investigate, denounce, and, hopefully and ideally, eventually prevent genocide. Finally, as Totten accurately puts it, "a precedent has been set in which one sovereign nation (the United States) has accused another sovereign nation (Sudan) of having committed genocide while the atrocities were still going on. This, and itself, was a historic occasion. The determination broke, if you will, a certain ‘barrier’ of individual nations not making such an accusation when they were not only justified doing so, but had a moral obligation, if signatories to the UNCG, to do so."\textsuperscript{20}

\begin{thebibliography}{10}
\bibitem{Totten} Samuel Totten, ibid. p. 218
\end{thebibliography}