

**MAASTRICHT UNIVERSITY**

**EUROPEAN MASTER'S DEGREE IN HUMAN RIGHTS AND  
DEMOCRATISATION  
2015/2016**

**A VOLCANO RUMBLES IN EAST AFRICA; A CRITICAL EXAMINATION  
OF THE VULNERABILITY OF SOUTH SUDAN TO WIDESPREAD  
GENOCIDE**

**WALTER MANDELA  
DR. ROLAND MOERLAND**

## **ABSTRACT**

*S.Sudan is the world's youngest state having seceded from Sudan in 2011<sup>1</sup>. The state, comprised of over 60 nations (ethnicities) is presently dominated by 2 ethnic groups<sup>2</sup> (Dinka and Nuer). Nonetheless, the Dinka reign supreme having established a "Dinkocracy".<sup>3</sup> Distressingly, the Dinka and Nuer are profoundly polarised.<sup>4</sup> The state has a bloody inter-ethnic conflict history especially between the Dinka and the Nuer<sup>5</sup> in addition to tribalism, marginalisation and exclusion.<sup>6</sup> The economy is in shambles.<sup>7</sup> The government has failed to assert its authority throughout the country.<sup>8</sup> Sudan sabotages S.Sudanese progress.<sup>9</sup> A bulk of the population is traumatised from war and human rights violations<sup>10</sup> as countless "extremist" ethnic militias armed to the teeth roam the country.<sup>11</sup> These factors provide the ideal climate for the precipitation of genocide. An alleged coup d'état in December 2013 exposed the state's vulnerability to genocide. It triggered a genocidal state-wide conflict. Uganda's military intervened early and arguably prevented widescale genocide.<sup>12</sup> This paper applies data representative of the dynamics and realities in S.Sudan to the Stages of genocide formulated by scholars to portray the country's susceptibility to genocide. The paper argues for meaningful interventions from Bystanders especially the "international community" since its best*

---

<sup>1</sup> AU, *Final Report of the African Union Commission of Inquiry on S.Sudan*, 2014, Para 62 <http://www.peaceau.org/uploads/auciss.final.report.pdf>

<sup>2</sup> Thon Agany Ayiei, *The New Sudan Vision, Understanding the Tribal, Political and Economic Aspects of the current South Sudan civil war and their complications in achieving a peaceful, lasting solution*, <http://www.newsudanvision.com/sudan-news-stories-publisher/2813-understanding-the-tribal-political-and-economic-aspects-of-the-current-south-sudan-civil-war-and-their-complications-in-achieving-a-peaceful-lasting-solution> accessed on 27/4/2016 at 21.40

<sup>3</sup> Ole Frahm, *Defining the Nation; National Identity in S.Sudanese Media Discourse*, German Institute of Global and Area Studies, Institute African Affairs in cooperation with the Dag Hammarskjöld Foundation Uppsala and Hamburg University Press, Page 29, Paras 2, <http://journals.sub.uni-hamburg.de/giga/afsp/article/view/519> accessed 21/6/16 at 11.21

<sup>4</sup> Sharon Elaine Hutchinson, *Nuer Ethnicity Militarised*, *Anthropology Today* Vol.16 No 3, June 2000, <https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf> accessed 20/6/16 at 10.16

<sup>5</sup> Ibid 4

<sup>6</sup> Ibid 1, Page 240

<sup>7</sup> *South Sudan Economic Outlook*, <http://www.afdb.org/en/countries/east-africa/south-sudan/south-sudan-economic-outlook/> accessed 22/6/16 at 20.38

<sup>8</sup> Ibid 3

<sup>9</sup> Ibid 1, Page 237, Para 855

<sup>10</sup> *Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 24, Para 88, <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 20/6/16 at 16.41

<sup>11</sup> Mayank Bubna, *South Sudan's Militias*, [www.enoughproject.org/files/SouthSudanReport.pdf](http://www.enoughproject.org/files/SouthSudanReport.pdf) Page 10 Para 1 accessed on 30/5/2016 at 11.38

<sup>12</sup> Dr. Kasaija Phillip Apuuli, *Explaining the (il)legality of Uganda's Intervention in the current South Sudan conflict*, *African Security Review*, Routledge, 24/09/2014, Pages 2- 4, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf> accessed 11/6/16 at 18.38

*positioned to spearhead S.Sudan's insulation from genocide and bears a responsibility to do so.*

<b><u>TABLE OF CONTENTS</u></b>	<b><u>PAGE</u></b>
Introduction .....	8
Statement of Problem .....	11
Research Questions.....	11
Objectives of the Study.....	11
Research Methodology .....	11
Significance of the Study.....	12
Research Outline.....	13
<b>Chapter 1(Unmasking Genocide)</b> .....	<b>12</b>
1.1 Introduction .....	14
1. 2 Historical Review of Genocide.....	14
1.2.1 Genocide in Ancient History .....	15
1.2.2 Genocide in the Middle Ages .....	16
1.2.3 Genocide in Early Modern History .....	16
1.2.4 Genocide in Modern History.....	18
1.3 Raphael Lemkin’s Conception of Genocide.....	21
<b>1.4 The Legal Definition of Genocide</b> .....	<b>22</b>
1.4.1 Genocide Convention .....	25
1.4.2 ICC Rome Statute .....	25
1.4.3 Elements of Crimes of the ICC.....	25
<b>1.5 Social Science Definitions of Genocide</b> .....	<b>29</b>
1.6 Conclusion.....	34
<b>Chapter 2(Sounding the Genocide Sirens)</b> .....	<b>35</b>
2.1 Introduction .....	35
2.2 Pre-Conditions of Genocide .....	35

2.3 Comparative Analysis of Scholars’ Stages of Genocide .....	38
<b>2.4 Applying Stanton’s Stages of Genocide to S.Sudan.....</b>	<b>40</b>
2.4.1 Classification .....	40
2.4.2 Symbolisation .....	43
2.4.3 Discrimination .....	46
2.4.4 Dehumanisation .....	47
2.4.5 Organisation.....	50
2.4.6 Polarisation .....	52
2.4.7 Preparation.....	55
2.4.8 Persecution.....	58
2.4.9 Extermination .....	60
2.4.10 Denial.....	63
2.4.11 Conclusion .....	65
<b>Chapter 3 (The Bystander and Genocide).....</b>	<b>67</b>
3.1 Introduction .....	67
3.2 Who is a Bystander.....	68
3.3 Case Studies of Bystander Complicity in Genocide.....	68
3.4 The Fluidity of the Bystander Role .....	70
3.5 Ugandan Intervention prevents S.Sudan Genocide .....	71
3.6 International Awareness of S.Sudan’s Fragility .....	72
<b>3.7 Factors Determinative of the Action or Inaction of Bystanders .....</b>	<b>73</b>
3.7.1 Knowledge.....	74
3.7.2 Bystander Effect .....	75
3.7.3 Social Distance .....	76
3.7.4 Sovereignty .....	78

3.7.5 Greed .....	77
3.7.6 Fear .....	78
3.7 Conclusion .....	79
Thesis Conclusion.....	80
Bibliography .....	81

## **FOREWORD**

*The inspiration for this thesis was from an international conference on peace building that I attended in Rwanda, Kigali in December 2014. I'm eternally grateful to the Never Again Peace Building Institute, Rwanda for the exposure to genocide studies and Dr. Joseph Nkurunziza for his social entrepreneurship.*

*I'm sympathetic to the misery and suffering of the South Sudanese people. The choice of topic came almost naturally.*

*Without the stern guidance of my supervisor, Assistant Professor, Dr. Roland Moerland, the quality of the work herein would have never been as stellar.*

*As an awardee of a European Commission scholarship, that was fundamental in the pursuit of my graduate studies, I am appreciative of the noble gesture from the esteemed organisation.*

*I'm indebted to the E.MA staff in Venice. The relevance of their academic guidance and efforts in ensuring that my stay in Europe was comfortable cannot be overstated.*

*The financial and emotional support from my family especially mom and dad were profoundly pivotal in the pursuit of my graduate studies.*

*Lastly, am honoured to have had an astoundingly amazing social life and experienced some of the best moments in my life to date courtesy of the exceptional friendships and acquaintanceships that I made from my internationally diverse class of 90 students. I'm most especially grateful to Iris Leerdam.*

## INTRODUCTION

South Sudan (S.Sudan) is presently the newest state in the world. It was part of Sudan until 2011 when it seceded through a referendum<sup>13</sup> and is currently the world's youngest state.<sup>14</sup> The territory and peoples of present-day S.Sudan were for the first time united under a single rule following the Turko-Egyptian conquest of the Sudan by Muhammad Ali's troops in 1821.<sup>15</sup> Later, the territory became a joint colony of Britain and Egypt through a condominium agreement between the aforementioned colonialists until 1956 when Sudan was "granted independence" and recognised as a "modern state."<sup>16</sup> Under the infamous Divide and Rule policy, the colonialists separated the Arab North from the "Black" (African) South. Interactions amongst the Southern ethnicities were restricted and movements were restricted. The imperialists favoured the Arab North. All development was concentrated there. Already worlds apart, at the time of independence, the Arab North with the blessing of the colonialists took charge of the country after Sudan became an "independent state".<sup>17</sup>

6 years post Anglo-Egyptian Imperialism; the Southerners staged a military rebellion against the new Arab Sudanese government<sup>18</sup> primarily because the government sanctioned a policy of Arabisation and Islamisation of the entire country including the predominantly Christian South.<sup>19</sup> This rebellion was to become the longest civil war in

---

<sup>13</sup> Referendum Process, Independence of South Sudan, <http://www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml> accessed on 30/4/2016 at 21.13

<sup>14</sup> [www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml](http://www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml) , Independence of South Sudan, accessed on 27/4/2016 at 15.54

<sup>15</sup> While 1821 is the most convenient and conventional cut-off point, it would be foolish to believe that "what is known as the southern Sudan today, has no history before A.D. 1821" (Arkell 1955: 2 cited in Abd al-Rahim 1969: 3). The Shilluk (Mercer 1971) and Zande (Ivanov 2000) empires have been the subject of an increasing amount of scholarly interest, and Stephanie Beswick (2006), employing oral history, actually traces Dinka history all the way to the fourteenth century and establishes continuities from the pre-colonial times to the present, e.g. as relates to "Dinkaphobia".

Ole Frahm, *Defining the Nation; National Identity in S.Sudanese Media Discourse*, German Institute of Global and Area Studies, Institute African Affairs in cooperation with the Dag Hammarskjöld Foundation Uppsala and Hamburg University Press, Page 22, Para 2, <http://journals.sub.uni-hamburg.de/giga/afsp/article/view/519> accessed 18/6/16 at 13.11

<sup>16</sup> John Ryle, Justin Willis, Suliman Baldo, Jok Madut Jok, , *The Sudan Handbook* ,Boydell & Brewer, Suffolk, 2011, Page 58,

<https://books.google.nl/books?id=oBVBHrPFEgIC&pg=PA58&lpg=PA58&dq=sudan+egypt+britain+condominium&source=bl&ots=UvUJz2rPDe&sig=x0ihqLz0w4Kuk4bIePqf8xWiXwM&hl=en&sa=X&ved=0ahUKEwjp0OnFibfMAhUsLMAKHVY0AIA4ChDoAQhDMAg#v=onepage&q=sudan%20egypt%20britain%20condominium&f=false>

<sup>17</sup> Milena Sterio, *The Right to Self Determination under International Law, "Selfistans", secession and the rule of great powers*, Routledge, New York, 2013, page 163 Para 1

<sup>18</sup> Ibid 17, Page 163, Para 2

<sup>19</sup> Andrew N. Natsios, *Sudan, South Sudan, and Darfur: What Everyone Needs to Know?*, Oxford University Press, Oxford, 2012, Page 13 Para 1



Africa.<sup>20</sup> (1955-72/ 1<sup>st</sup> Sudanese war and 1983-2005/2<sup>nd</sup> Sudanese war)<sup>21</sup> In the course of the rebellion, ethnic schisms developed, primarily between the Nuer and the Dinka<sup>22</sup>, the 2 dominant ethnicities among the over 60 ethnicities in S.Sudan.<sup>23</sup> Some studies however hint at a pre- rebellion rivalry.<sup>24</sup>The animosity during the rebellion climaxed into some inter-ethnic massacres of which the “1991Bor massacre” stands out where approximately 20,000 Dinka civilians were annihilated by a predominantly Nuer militia.<sup>25</sup> The 1st government of S.Sudan was established in 2011 headed by Salva Kiir Maryadit (Dinka) as the president and Dr. Riek Machar (Nuer), as the Vice President despite their frosty relationship.<sup>26</sup> In July 2013, Machar with the bulk of the cabinet were sacked for being critical of the president. Political disagreements in the capital, Juba in December 2013<sup>27</sup> resulted into clashes in the capital that eventually engulfed 3 of the country’s 10 states.<sup>28</sup> The civil war was largely characterised by an ethnic dimension. It was predominantly a war between the Nuer and the Dinka.<sup>29</sup> The military intervention of Uganda, a neighbouring state, who reinforced the national army contributed significantly to saving the capital from falling into rebel hands and restoring a semblance of peace in the country.<sup>30</sup> Owing to the civil war that erupted in December 2013, thousands were killed; an estimated 1.5 million people were displaced from their homes and around 100,000 to date shelter in UN compounds.<sup>31</sup>

---

<sup>20</sup> *S.Sudan Country Profile*, 27/4/16, <http://www.bbc.com/news/world-africa-14069082> accessed 13/6/16 at 10.29

<sup>21</sup> *AU, Final Report of the African Union Commission of Inquiry on S. Sudan*, 2014, Paras 72-75 <http://www.peaceau.org/uploads/auciss.final.report.pdf>

<sup>22</sup> A/HRC/31/CRP.6 ,Human Rights Council 31st Session, Agenda Item 2, Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, 10/3/2016,Para 78

<sup>23</sup> *Interim Report on South Sudan Internal Conflict* (December 15, 2013 - March 15, 2014), South Sudan Human Rights Commission, [http://www.gurtong.net/LinkClick.aspx?fileticket=RO6rWq-\\_ogw%3D&tabid=124](http://www.gurtong.net/LinkClick.aspx?fileticket=RO6rWq-_ogw%3D&tabid=124) accessed 24/6/16 at 12.17

<sup>24</sup> Thon Agany Ayiei, , *Understanding the Tribal, Political and Economic Aspects of the current South Sudan civil war and their complications in achieving a peaceful, lasting solution*, The New Sudan Vision <http://www.newsudanvision.com/sudan-news-stories-publisher/2813-understanding-the-tribal-political-and-economic-aspects-of-the-current-south-sudan-civil-war-and-their-complications-in-achieving-a-peaceful-lasting-solution> accessed on 27/4/2016 at 21.40

<sup>25</sup> *Ibid* 21, Para 66

<sup>26</sup> *Ibid* 21, Para 62

<sup>27</sup> Dr. Kasaija Phillip Apuuli, *Explaining the (il)legality of Uganda’s Intervention in the current S. Sudan conflict*, African Security Review, Routledge, 24/09/2014, Pages 2- 4, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf> accessed 11/6/16 at 18.38

<sup>28</sup> *Economic Overview*, Para 2, <http://www.worldbank.org/en/country/southsudan/overview>,

<sup>29</sup> *Ibid* 27, Page 4, Para 2

<sup>30</sup> Panther Alier, *Tragedy averted: On Uganda’s involvement in S Sudan*, 19/2/14/ Para 8 <http://www.aljazeera.com/indepth/opinion/2014/02/tragedy-averted-uganda-involvem201421516624107495.html> accessed on 11/6/16 at 17.24

<sup>31</sup> <https://www.hrw.org/world-report/2015/country-chapters/south-sudan> accessed 24/6/16 at 11.59

Conditions of life in S.Sudan are unbelievably miserable.<sup>32</sup> The transition of the territory into to a modern state was rather abrupt. Overnight, rebels from a 55 year old armed uprising were navigating the intricacies of statecraft.<sup>33</sup> The S.Sudanese government has failed to effectively assert its authority throughout the 619,745 km<sup>2</sup> expanse of the country<sup>34</sup> (size of France and Belgium combined, with one state, Jonglei, the size of Wales).<sup>35</sup> The bulk of the country is still recovering the 55 years of war. The wounds from the inter-ethnic massacres remain fresh without any accountability or justice besides a myriad of amnesties.<sup>36</sup> There has been a continuum of violence and in S.Sudan characterised by inter-ethnic attacks and counter attacks before, during and after the 55 year old civil war. Ultra ethnic ideologies have been promoted between the Nuer and the Dinka.<sup>37</sup> The country is awash with heavily armed militias formed on ethnic lines with each ethnic community having its own militia.<sup>38</sup> On average, every household has a gun.<sup>39</sup> Internally, S.Sudanese are passive bystanders to the commission the atrocities there. 55 years of brutal war and suffering as well as ultra-ethnic ideologies have contributed to dehumanisation especially of people outside one's ethnicity. This has arguably diminished the ability of people to empathise and have guilt for inaction in the face of gross human rights violations and mass violence.<sup>40</sup> S.Sudan's sovereignty among other factors has restricted the role of the "international community" to largely that of a passive bystander perhaps collaborator in the perpetration of gross human rights violations in the country. Most ethnicities in S.Sudan have authority oriented traditions. Leaders yield significant authority over people. There's a

---

<sup>32</sup> Sam Jones, *South Sudan: A level of human suffering I have never seen anywhere else*, 28/10/2015 <http://www.theguardian.com/global-development/2015/oct/28/south-sudan-civil-war-human-suffering-children-displaced-famine> accessed on 1/5/2016 at 16.00

<sup>33</sup> *Military, Tribalism & Democracy: An Unlikely Marriage, A Failure of Leadership: How President Kiir Failed South Sudan*, <http://www.southsudannewsagency.com/opinion/analyses/how-president-kiir-failed-south-sudan> accessed on 27/4/2016 at 21.17

<sup>34</sup> Mayank Bubna, *South Sudan's Militias*, [www.enoughproject.org/files/SouthSudanReport.pdf](http://www.enoughproject.org/files/SouthSudanReport.pdf) accessed 27/4/2016 at 21.04

<sup>35</sup> *Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 12, Para 33 <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 18/6/16 at 17.25

<sup>36</sup> *Ibid* 23, Page 19, Para 66

<sup>37</sup> Sharon Elaine Hutchinson, *Nuer Ethnicity Militarised*, *Anthropology Today* Vol.16 No 3, June 2000, <https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf> accessed 20/6/16 at 10.16

<sup>38</sup> Brian Adeba, *Making Sense of the White Army's Return in S.Sudan*, No. 1 / February 2015, <http://www.ssrresourcecentre.org/wp-content/uploads/2015/02/CSG-Paper-1-Adeba-Feb-2015.pdf> accessed on 30/5/2016 at 12.28

<sup>39</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Page 66 Para 202, <http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed 24/6/16 at 13.03

<sup>40</sup> AU report finds forced cannibalism and rape in S Sudan, <http://www.aljazeera.com/news/2015/10/au-report-finds-forced-cannibalism-rape-sudan-151028162544581.html>

tremendous likelihood of people engaging in violence once sanctioned by their leaders.<sup>41</sup>

### **STATEMENT OF THE PROBLEM**

Whether S.Sudan is susceptible to widespread genocide; how this may be ascertained whilst reflecting on the role and implications of bystanders in the precipitation of genocide.

### **RESEARCH QUESTIONS**

The data from the introduction raises the following questions:

1. What is genocide?
2. Whether S.Sudan is vulnerable to widespread genocide?
3. Whether the Bystander role of the stakeholders in S.Sudan especially of the “international community” influences the developments towards widespread genocide in the country?

### **OBJECTIVES OF THE STUDY**

By addressing the Research Questions, I intend to:

1. Examine the broad understanding of genocide and the complexities surrounding the classification of events as genocide
2. Portray the vulnerability of S.Sudan to genocide by contrasting the stages of genocide of various scholars with the dynamics in S.Sudan
3. Show that the non-intervention of a Bystander to prevent or halt a genocide is tantamount to complicity in the genocide
4. Examine the factors that influence the intervention or non-intervention of the Bystander
5. Show how a Bystander can change from being a Collaborator to being a Rescuer during genocide by examining the military intervention of Uganda in S.Sudan that saved the country from a plausible imminent genocide

### **RESEARCH METHODOLOGY**

The Research was essentially Qualitative Library Research. Extensive use was made of Primary Sources. These included predominantly Reports of the UN, AU, OHCHR, and the SSHRC into human rights violations in S.Sudan mainly after the outbreak of the December 2013 civil war. The Reports focus mainly on the human rights violations that

---

<sup>41</sup> Supra 28, Page 10

occurred after the outbreak of the civil war in December 2013. However, in analysing these human rights violations, all the reports probe previous human rights violations committed in the course of the 55 year old liberation war. The Reports also examine the post-independence era before the revolution war, the colonial era, as well as the pre-colonial era. The Reports also analyse the history of the Dinka and Nuer people, examine their origins, interactions in the pre-colonial and the post-colonial era to date. I rely on reports of the World Bank and the African Development Bank when interrogating the economy of S.Sudan.

I employ international law instruments, official publications of International Courts and Tribunals as well as their Case law. In the comparative analysis that I conduct, I rely on primary sources like publications of the CoE, OECD, ICRC, and USIP among others. I use information from seminars and workshops delivered by eminent persons in the fields of human rights, genocide and international law.

Secondary sources used prominently include Text books, Professional Journals, Publications by universities and other scholarly publications, Newspapers, and relevant online articles. I also make use of report by reputable international and local news agencies.

The most significant limitation of the study is arguably that the author didn't venture into the field to authenticate the data used or personally analyse the situation on ground. Key limitations present in the primary sources used were the lack of meaningful cooperation from the government of S.Sudan in human rights investigations, lack of access to documentary evidence and insecurity.

Lastly, the study is limited to only raising awareness on genocide susceptibility and the complicity of bystanders in genocide due to time limitations as well as word count limitations for the paper. This leaves immense room for further study and research on numerous issues surrounding the concerns tackled in this paper such as mechanisms of insulating S.Sudan from the threat of widespread genocide, meaningful interventions of the bystanders to halt and perhaps reverse the genocidal developments and so on.

### **THE SIGNIFICANCE OF THE STUDY**

The intractability of the conflict in S.Sudan has evaded the attention it deserves. It's overshadowed by other conflicts like the Darfur situation in Sudan, the Syrian conflict, the Libyan situation and so on. Plausibly, the latter conflicts have greater commercial and geo political relevance to the cardinal global actors.

The relevance of the study lies in the fact that it explores an understudied case, raises awareness on imminent large scale violence and reveals the responsibility of bystanders

as regards spearheading an early intervention into S.Sudan especially since they yield the most power and influence to transform the dynamics in the country for the better.

### **RESEARCH OUTLINE**

The paper is structured into 3 Chapters and then a General Conclusion. Chapter 1 discusses the broad understanding of genocide and the subjectivity of genocide considering its diverse definitions. An array of events through major world history timelines that have been termed as genocidal are invoked. The most authoritative legal definitions of genocide are afterwards contrasted with definitions of genocide by imminent scholars from the social sciences. Chapter 2 investigates the vulnerability of S.Sudan to genocide. The methodology employed is the Stages of Genocide formulated by imminent genocide scholars. Data on S.Sudan from majorly primary sources is applied to the aforementioned tool to show how far the genocide road the state currently is. Chapter 3 examines the responsibility and complicity of bystanders in genocide. It explores factors that influence the action or inaction of bystanders in regard to genocide. The dynamics of a bystander becoming a rescuer is evaluated using the Ugandan military intervention into S.Sudan to prevent a plausibly imminent genocide. The General Conclusion of the study then concludes the paper.

## **CHAPTER 1: UNMASKING GENOCIDE**

### **1.1 INTRODUCTION**

This Chapter deliberates on some events across the spectrum of major timelines in world history that have been termed as genocidal. It further interrogates the definition of genocide through a legal and social sciences lens.

The purpose of invoking the aforementioned events is to show the myriad of forms that “genocide” may assume. It also shows the complexity in characterising events as genocide. The selected events encompass among others; what are allegedly actions of the Abrahamic God, colonial expeditions and actions, capitalistic policies, religious crusades, empire building and so on.

Recognising the impossibility of highlighting all the “genocides” in world history due to amongst other reasons; the complexity and ambiguity of history,<sup>42</sup> paper words and time limitations, the paper highlights some “infamous genocides” that arguably distinguished themselves through major timelines in world history; ancient history, the middle ages, early modern history and modern history. Emphasis is placed on “genocides” in early modern history and modern history because they are the most relevant for the paper.

The Chapter then discusses the origin of the word “genocide”. It seeks to explore the understanding of genocide by the “inventor” of the crime, Raphael Lemkin. The purpose of this is to comprehend the kind of conduct which he sought to have prohibited internationally. The Chapter then evaluates the legal definition of genocide with some leading definitions from the social sciences. The author commences with the former. The Genocide Convention<sup>43</sup>, the ICC Statute<sup>44</sup> and the ICC Elements of Crimes<sup>45</sup> are invoked. While evaluating the definitions from the latter discipline, definitions of Helen Fein, Israel Charny and Henry Huttenbach are invoked. The author then elaborates on his personal understanding and definition of genocide.

### **1.2 HISTORICAL REVIEW OF GENOCIDE**

“The word is new, the concept is ancient” The roots of genocide are lost in distant millennia, and will remain so unless “archaeology of genocide” can be developed. The most profound difficulty in having an accurate history of genocide is that historical

---

<sup>42</sup> Adam Jones, *Genocide, A Comprehensive Introduction*, Routledge, New York, 2006, Page 3, Para 2

<sup>43</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations

<sup>44</sup> UN General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), 17 July 1998

<sup>45</sup> Assembly of States Parties to the Rome Statute of the International Criminal Court, *Elements of Crimes of the International Criminal Court*, 09 October 2002

records are ambiguous and undependable.<sup>46</sup> However, through the major timelines of world history, some “genocides” stand out. A select few are discussed below. It’s imperative to do so in order for the reader to appreciate the devil in the detail of genocide.

### **1.2.1 GENOCIDE IN ANCIENT HISTORY (3200 BC – 500 AD)**

The trend starts early, in the Old Testament during biblical times. In the Bible, *Genesis* (6: 17–19) God decides “to destroy all flesh in which is the breath of life from under heaven,” with the exception of Noah and a nucleus of human and animal life.<sup>47</sup> In *1 Samuel* 15: 2–3, “the LORD of hosts” is said to have ordered,

*“I’ll punish the Amalekites for what they did in opposing the Israelites when they came up out of Egypt. Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill man and woman, child and infant, ox and sheep, camel and donkey.”*<sup>48</sup>

A combination of gender-selective (gendercidal) mass killing and root-and-branch genocide pervades accounts of the wars of antiquity. Some infamous ones include; the Assyrian Empire’s root and branch depredations in the 1st half of the 1st millennium BCE, and the destruction of Melos by Athens during the Peloponnesian War (5<sup>th</sup> century BCE), a gendercidal rampage described by Thucydides in his “Melian Dialogue.” Rome’s siege and eventual razing of Carthage at the close of the 3rd Punic War (149–46 BCE) has been labelled “The First Genocide” by Yale scholar Ben Kiernan. The “first” designation is debatable; the label of genocide, less so. Among Rome’s other victims during its imperial ascendancy were the followers of Jesus Christ. After his death at Roman hands in 33 CE, Christ’s growing legions of followers were subjected to savage persecutions and mass murder. The scenes of torture and public spectacle were duplicated by the Christians themselves during Europe’s medieval era (approximately the 9<sup>th</sup>-14<sup>th</sup> centuries CE). This period produced onslaughts such as the Crusades: religiously sanctified campaigns against “unbelievers.”<sup>49</sup>

### **1.2.2 GENOCIDE IN THE MIDDLE AGES (500 AD to 1499 AD)**

Further génocidaires arose on the other side of the world. In the 13th century, a million or so Mongol horsemen under Genghis Khan, surged out of the grasslands of East Asia

---

<sup>46</sup> Supra 42, Page 3, Para 2

<sup>47</sup> <https://www.bible.com/bible/114/gen.6.nkjv> accessed 25/6/16 at 4.43

<sup>48</sup> <http://www.biblestudytools.com/parallel-bible/passage/?q=1-samuel+15&t=csb&t2=nkjv> accessed 25/6/16 at 4.52

<sup>49</sup> Supra 42, Page 5, Paras 3,4,5

to lay waste to vast territories, extending to the gates of Western Europe; “entire nations were exterminated, leaving behind nothing but rubble, fallow fields, and bones.”<sup>50</sup>

### **1.2.3 GENOCIDE IN EARLY MODERN HISTORY (1500 to 1900)**

Genocides in the early modern era were launched around 1492, the time of the Caribbean Indians’ fatal discovery of Christopher Columbus.<sup>51</sup> In 1793, following the 1789 French Revolution, The revolutionaries (Republicans) purged the Vendean peasantry “absolutely and totally” in a typical root-and-branch extermination. Possibly 150,000 people died in the carnage, though not all were civilians.<sup>52</sup> Between 1810 and 1828, the Zulu kingdom under Shaka Zulu waged one of the most ambitious campaigns of expansion and annihilation the region has ever known. Huge swathes of present day South Africa and Zimbabwe were laid waste by Zulu armies. The scale of the destruction was such, and the obliteration or dispersal of victims so intensive, that relatively little historical evidence was left to bear testimony to the terror. But it remains alive in the oral traditions of peoples of the region whose ancestors bore witness.<sup>53</sup>

The Spanish invasion, occupation, and exploitation of most of “Latin” America began in the late 15th century, resulting in “the worst series of human disease disasters, combined with the most extensive and most violent program of human eradication that this world has ever seen.”<sup>54</sup> The tone was set with the 1st territory conquered, the densely populated Caribbean island of Hispaniola (today the Dominican Republic and Haiti). Tens of thousands of hapless Indians were exterminated outright: the Spanish “forced their way into native settlements, “slaughtering everyone they found there, including small children, old men and pregnant women.”<sup>55</sup>

The 1st sustained contact between Europeans and the indigenous peoples of North America developed around the whaling industry that, in the 16<sup>th</sup> century, began to cross the Atlantic.<sup>56</sup> Disease was “without doubt the single most important factor in American Indian population decline<sup>57</sup>” which in 5 centuries reduced the Indian population of present-day Canada and the United States approximately from 7 – 10 million (estimates

---

<sup>50</sup> Supra 42, Page 5, Para 5

<sup>51</sup> Supra 42, Page 6, Para 1

<sup>52</sup> Supra 42, Pages 6-7, Paras 1-6

<sup>53</sup> Supra 42, Pages 7-8, Paras 7,8,9

<sup>54</sup> David E. Stannard, *American Holocaust: The Conquest of the New World*, Oxford University Press, New York 1992, Page 54

<sup>55</sup> Bartolomé de las Casas, *A Short Account of the Destruction of the Indies*, Penguin, London, 1992, Page 15

<sup>56</sup> Supra 42, Page 72, Para 1

<sup>57</sup> Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492*, University of Oklahoma Press, Oklahoma, 1987, Page 44



range to about 18 million) to 237,000 by the 1890s.<sup>58</sup> Small pox was the largest killer, cholera, measles, plague, typhoid, and alcoholism also taking an enormous toll.<sup>59</sup> Other factors included “the deliberate destructions of flora and fauna that American Indians used for food and other purposes.”<sup>60</sup> Genocidal massacre featured prominently throughout.<sup>61</sup> Forced relocations of Indian populations often took the form of genocidal death marches, most infamously the “Trails of Tears” of the Cherokee and Navajo nations that killed between 20% and 40% of the targeted populations en route.<sup>62</sup> In addition to all the above, were the so-called “Residential Schools,” in which generations of Indian children were incarcerated after being removed from their homes and families.<sup>63</sup>

In 1788, the “First Fleet” of British convicts was dumped on Australian soil. Over the ensuing century-and-a-half, the aboriginal population of the island continent estimated at about 750,000 when the colonists arrived was reduced to just 31,000 in 1911. As in N. America, the colonists didn’t arrive in Australia with the explicit intention of extermination. The massive destruction inflicted on the Australian Aborigines instead reflected a concatenation of ideologies, pressures, and circumstances.<sup>64</sup> The attitude of the settlers is captured by British novelist, Anthony Trollope, writing in the 1870s that

*“The Aborigines’ doom is to be exterminated; and the sooner that their doom is accomplished, – so that there can be no cruelty! – the better will it be for civilisation.”*<sup>65</sup>

The combination of clashes between frontier settlers and natives, epidemic diseases, and extermination campaigns were strikingly similar to the N.American experience. There was the kidnapping of aboriginal children and their placement in “white-run” institutional “homes.” These were patently similar to the “residential schools” imposed upon N. American Indians during the same period. In 1995, a National Commission of Inquiry was formed that 2 years later issued a report, *Bringing Them Home*, which

---

<sup>58</sup> Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, City Lights Books, San Francisco, 1997, Page 97

<sup>59</sup> Supra 42, Page 73, Para 2

<sup>60</sup> Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman, OK: University of Oklahoma Press, 1987), p. 47

<sup>61</sup> Supra 42, Page 73, Para 3

<sup>62</sup> Ken S. Coates, *A Global History of Indigenous Peoples: Struggle and Survival*, Palgrave Macmillan, Basingstoke, 2004, Page 185

<sup>63</sup> Supra 42, Page 75, Para 5

<sup>64</sup> Supra 42, Page 78, Para 2

<sup>65</sup> Trollope quoted in Mark Cocker, *Rivers of Blood, Rivers of Gold: Europe’s Conquest of Indigenous Peoples*: Grove Press, New York, 2001, Page 178

stated that Australia's policy of transferring aboriginal children constituted genocide by the UN Convention definition.<sup>66</sup>

#### **1.2.4 GENOCIDE IN MODERN HISTORY (1901 TO DATE)**

The 1884 Berlin Conference gave King Leopold II of Belgium dominion over what was the "Congo Free State". By a Belgian Parliamentary Resolution, he became "Roi-Souverain" of the colony stretching over 2 million square kms. (76 times bigger than Belgium)<sup>67</sup> Motivated by wealth and greed, the devilish policies used to administer the colony decreased the Congolese native population by approximately 10 million between 1885 and 1908 as per historian Adam Hochschild. Congolese historian Ndaywel Nziem estimates the death toll at 13 million. The population decline was occasioned by murder, starvation, exhaustion, disease and a plummeting birth rate directly attributable to the king's desire to maximise his abnormal profits from the ivory and rubber trade that he had monopolised.<sup>68</sup>

In 1915, the Turkish government systematically organised the wholesale slaughter of a complete race, the Armenians. Under the cover of World War I, through the secret organisation of unofficial gangs of Kurds, released prisoners, German officers and Turks who had lost their lands in the war against the Balkans, over 1 million Armenians were murdered, starved, raped and left to die. Following the War, as the Nationalist movement began to rise up from the ashes of the Ottoman Empire, the allies tried to persecute the perpetrators of the genocide, in a series of trials where the term "crimes against humanity" was first used.<sup>69</sup>

Now, it's acknowledged that the designation as the 1<sup>st</sup> genocide of the 20<sup>th</sup> century is more accurately applied to German colonial forces' near extermination of the Herero nation in present-day Namibia, which took place in the century's 1<sup>st</sup> decade.<sup>70</sup> Colonists' deception, suasion, and violent coercion pushed the native population into an ever-narrower portion of its traditional landholdings. In 1904, the Herero rose against the Germans. Chief Samuel Maherero led his fighters, killing about 120 Germans. The resistance infuriated the German leader, Kaiser Wilhelm II, who dispatched a hardliner, Lt.-Gen. Lothar von Trotha who fulfilled his genocidal assertion,

---

<sup>66</sup> Supra 42, Page 79, Paras 2, 4

<sup>67</sup> Andrew Osborne, *Belgium exhumes its colonial demons*, 13/7/12, <https://www.theguardian.com/world/2002/jul/13/humanities.artsandhumanities> accessed 25/6/16 at 5.17

<sup>68</sup> Congo Free State, 1885-1908, [http://www.cis.yale.edu/gsp/colonial/belgian congo/](http://www.cis.yale.edu/gsp/colonial/belgian%20congo/) accessed 2/5/2016 at 21.11

<sup>69</sup> Taner Akcam, *A shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*, Henry Holt and Company, New York, 2013, The Guardian Bookshop, <http://bookshop.theguardian.com/shameful-act.html> accessed 21/6/16

<sup>70</sup> Samuel Totten et al., *Century of Genocide: Eyewitness Accounts and Critical Views*, Garland Publishing, New York, 1997, Pages 3- 40

*“I shall annihilate the revolting tribes with rivers of blood and rivers of gold. Only after a complete uprooting will something emerge.”*<sup>71</sup>

Following the cessation of the Herero war, another nation, the Nama rose against German rule. They were similarly crushed, with approximately half the population massacred.<sup>72</sup>

Diabolically interesting, The Herero-Nama genocide was a rehearsal for the Holocaust in Germany. It created the German word *Konzentrationslager* (concentration camp) and the 20<sup>th</sup> century’s first death camp. Hermann Goering, designer of the 1<sup>st</sup> Nazi concentration camps, was the son of the 1<sup>st</sup> governor of colonial Namibia. Eugen Fischer, who influenced Hitler and ran the institute that supported Joseph Mengele’s medical “research” at Auschwitz, conducted racial studies in the colony. Ritter von Epp, godfather of the Nazi party and Nazi governor of Bavaria from 1933–1945, led German troops in the Herero genocide.<sup>73</sup>

The Holocaust led to the murder of 6 million Jews in Europe in the years leading up to 1945. The Nazis also exterminated other groups whom historians estimate at around 11 million. These included homosexuals, priests, gypsies, people with mental or physical disabilities, communists, trade unionists, Jehovah's Witnesses, anarchists, Poles and other Slavic peoples, black people (Africans) and Nazi resistance fighters.<sup>74</sup>

In 1991, administrative and ideological disagreements within the polity of the SPLA during the S.Sudanese civil war led to a split in the movement. A predominantly Nuer splinter group, the Nasir faction, emerged led by Riek Machar. In a bid to expose John Garang (Dinka), the SPLA leader as a weak leader, who couldn’t protect his own home town of Bor, the Nasir faction attacked Bor and massacred primarily Dinka civilians in what infamously became known as “The Bor Massacre”. The attack on Bor was devastating in scope and ferocity. Villages were razed; male captives were disembowelled and women were raped, shot, or burned alive. Human rights organisations estimated that 2,000 people were massacred. About 100,000 were displaced. This fratricide cost Machar his credibility among South Sudanese.<sup>75</sup>

---

<sup>71</sup> Adam Jones, *Genocide, A Comprehensive Introduction*, Routledge, New York, 2006, Page 80, Para 4

<sup>72</sup> Ibid 71, Page 80, Para 4

<sup>73</sup> Ibid 71, Page 81, Para 2

<sup>74</sup> Louise Ridley, *The Holocaust's Forgotten Victims: The 5 Million Non-Jewish People Killed By The Nazis*, [http://www.huffingtonpost.co.uk/2016/01/25/non-jewish-holocaust-victims\\_n\\_6500948.html](http://www.huffingtonpost.co.uk/2016/01/25/non-jewish-holocaust-victims_n_6500948.html) accessed on 2/5/2016 at 12.00

<sup>75</sup> Brian Adeba, *Making Sense of the White Army's Return in South Sudan*, No. 1 / February 2015, Page 10, Para 5, <http://www.ssrresourcecentre.org/wp-content/uploads/2015/02/CSG-Paper-1-Adeba-Feb-2015.pdf> accessed on 19/6/16 at 14.12

A UN Security Council Report estimates that around 5000 Dinka civilians were massacred.<sup>76</sup>

Between April and June 1994, approximately 800,000 Rwandans were killed in the space of 100 days. Most of the dead were Tutsis and most of the perpetrators were Hutus. The genocide was sparked by the death of the President, Juvenal Habyarimana, a Hutu, when his plane was shot down in Kigali on 6th April 1994. Within hours, a campaign of violence spread from the capital throughout the country, and didn't subside until 3 months later. The genesis of the animosity between the Hutu and Tutsi was Belgian colonial policies that elevated the minority Tutsi to the position of the ruling class over the majority Hutu and hence the domination and oppression of the latter.<sup>77</sup>

In July 1995, the slaying of 7,000 Bosniak (Bosnian Muslim) males was conducted by Bosnian Serb forces in Srebrenica, a town in Eastern Bosnia and Herzegovina. In addition, more than 20,000 civilians were expelled from the area as a form of ethnic cleansing. The massacre was the worst episode of mass murder in Europe since the 2<sup>nd</sup> World War.<sup>78</sup>

Of the above “genocides”, the European holocaust against indigenous peoples in the Americas has been said to have been plausibly the most extensive and destructive genocide of all time. Scholars have termed it as “unparalleled in human history, both in terms of its sheer magnitude and duration.”<sup>79</sup>

The above genocidal incidents are relevant for portraying the myriad of masks that genocide may wear. The fact that some of them have generally been acknowledged as genocides, some partly acknowledged and others vehemently rejected as genocides alludes to the complications entailed in categorising events as genocide. At play in regard to this categorisation among others are; Normative Values, World views, Politics and Geopolitics as well as Financial considerations.

The term “Genocide” was formulated by Raphael Lemkin, (1900–59) an obscure Polish-Jewish jurist.<sup>80</sup> It's imperative to explore his conception of the crime to develop an understanding of what he intended the crime of genocide to encapsulate since he's the legal alchemist. This is done below;

---

<sup>76</sup> *Final Report of the Panel of Experts on S.Sudan established pursuant to Security Council Resolution 2206 (2015)*, Para 16, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_70.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_70.pdf) accessed 12/7/16 at 15.02

<sup>77</sup> *Rwanda: How the genocide happened*, 17/5/11, <http://www.bbc.com/news/world-africa-13431486> accessed 11/7/16 at 23.42

<sup>78</sup> Jeffrey Smith, *Srebrenica Massacre*, <https://www.britannica.com/event/Srebrenica-massacre> accessed 11/7/16 at 23.55

<sup>79</sup> Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, City Lights Books, San Francisco, 1997, Page 97

<sup>80</sup> *Supra* 71, Page 9, Para 3

### **1.3 RAPHAEL LEMKIN'S CONCEPTION OF GENOCIDE**

In his 1993 speech at The “International Conference for unification of Criminal law” in Madrid, he urged the international community to converge on the necessity to ban the destruction, both physical and cultural, of human groups, invoking the linked concepts of “barbarity” and “vandalism”. In his subsequent seminal text, *Axis Rule in Occupied Europe*, Lemkin combined his prior formulations, “barbarity” and “vandalism” to form a new more comprehensive concept; *genocide*, combining the Greek word for *genos* meaning tribe or race and the Latin *cide* meaning killing.<sup>81</sup>

He envisaged the crime of genocide consisting of the deliberate destruction of a nation or ethnic group in one of the 2 ways; (1) By killing its individual members i.e. physical genocide (derived from the notion of “barbarity”) (2) By undermining its way of life i.e. cultural genocide (derived from “vandalism”)<sup>82</sup>

According to Lemkin, nations have a life of their own comparable to the life of an individual;

*The world represents only so much culture and intellectual vigour as are created by its competent national groups. The destruction of a nation, therefore results in the loss of its future contributions to the world. Moreover, such destruction offends our feelings of morality and justice in much the same way as does the killing of a human being; the crime in the one case as in the other is murder, though on a vastly greater scale.*<sup>83</sup>

Lemkin felt very strongly about the definition of genocide encompassing cultural genocide. In his 1958 Auto biography, *Totally Unofficial Man*, he states;

*“I defended it successfully through 2 drafts. It meant the destruction of a cultural pattern of a group such as the language, traditions, monuments, archives, libraries, churches, in short, the soul of the nation. But there was not enough support for this idea in the committee, so with a heavy heart, I decided not to press it.”*<sup>84</sup>

---

<sup>81</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace, Washington D.C, 1944, Pages 79-95

<sup>82</sup> Patricia Hynes, Michele Lamb, Damien Short, Matthew Waites, *Sociology and Human Rights, New Engagements*, Routledge, New York, Page 27, Para 1  
<https://books.google.hu/books?id=cpTsAgAAQBAJ&pg=PA36&lpg=PA36&dq=sociology+and+human+rights+new+engagements+lemkin+genocide&source=bl&ots=fIooxWIBDE&sig=G11xCvxLhfVXpnHXJNS5VvcDk0E&hl=en&sa=X&ved=0ahUKEwiwy6Ov4O7NAhUB3SwKHa0rARUQ6AEIHDAA#v=onepage&q=sociology%20and%20human%20rights%20new%20engagements%20lemkin%20genocide&f=false> accessed 12/7/16 at 23.42

<sup>83</sup> Ibid 81, Page 91

<sup>84</sup> Ibid 82, Page 29, Para 2

From the above, it's arguable that Lemkin essentially aimed to protect nations from annihilation. Additionally, it's conceivable his understanding and definition of genocide encapsulated cultural genocide.

In the administration of justice in regard to genocide before most formal courts of law, the relevance of the legal definition of genocide cannot be over emphasised. It's for this reason mainly that this definition of genocide is discussed in the paper.

#### **1.4 THE LEGAL DEFINITION OF GENOCIDE**

In the aftermath of the 2<sup>nd</sup> world war, during which the holocaust was perpetrated, the “international community” acknowledged the need to legally prohibit genocide globally. Genocide was a “*crime without a name*,” in the words of British Prime Minister Winston Churchill.<sup>85</sup> Barely a year after Lemkin coined the term; it was included in the Nuremberg indictments of the Nazi war criminals. To his chagrin however, genocide didn't feature in the Nuremberg judgments. However, by the time the General Assembly completed its sitting, with the 1948 adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, “genocide” had a detailed and technical definition as a crime against the law of nations.<sup>86</sup>

This paper adopts as the legal definition of genocide, the definition under International law, the most authoritative of which are the ones under The Genocide Convention<sup>87</sup> (147 State Parties)<sup>88</sup> and the Rome Statute of the International Criminal Court. (ICC)<sup>89</sup> (Adopted by 120 States)<sup>90</sup>The Elements of the Crimes of the ICC<sup>91</sup> buttresses the definition under the ICC Statute. It offers invaluable guidance on various forms of *Actus Reus* that constitute the genocide under the Statute.

The respective provisions of the aforementioned international statutes that divulge the *Mens Rea* and *Actus Reus* for genocide as well as the protected social collectives from genocide are deliberated below;

##### **1.4.1 THE GENOCIDE CONVENTION**

---

<sup>85</sup> “A Crime without a Name”, <http://www.preventgenocide.org/genocide/crimewithoutaname.htm> accessed 17/6/16 at 16.52

<sup>86</sup> William A. Schabas, *Genocide in International Law*, Cambridge University Press, Cambridge, 2000, Page, 14

<sup>87</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations

<sup>88</sup> <https://www.icrc.org/ihl/INTRO/357?OpenDocument> accessed 25/6/16 at 7.14

<sup>89</sup> UN General Assembly, *Rome Statute of the International Criminal Court* (last amended 2010), 17 July 1998

<sup>90</sup> History, <https://www.icc-cpi.int/about> accessed 25/6/16 at 7.17

<sup>91</sup> Assembly of States Parties to the Rome Statute of the International Criminal Court, *Elements of Crimes of the International Criminal Court*, 09 October 2002

*Article 2 of the UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 1948, United Nations (The Genocide Convention)* defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group; (a) Killing members of the group, (b) Causing serious bodily or mental harm to members of the group, (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

*Article 3 of The Genocide Convention*<sup>92</sup> stipulates that the following acts shall be punishable (a) Genocide (b) Conspiracy to commit genocide (c) Direct and public Incitement to commit genocide (d) Attempt to commit genocide (e) Complicity in genocide.

#### 1.4.1.1 THE ICC ROME STATUTE

*The Genocide Convention*<sup>93</sup> definition is adopted by *Article 6 UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998 (The Rome Statute)*

*The Elements of Crimes of the ICC*<sup>94</sup> detail the precise actions that amount to genocide. Article 6 (a) provides the elements of Genocide by killing. These are (1) The perpetrator killed 2 one or more persons (2) Such person or persons belonged to a particular national, ethnical, racial or religious group (3) The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such (4) The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

#### 1.4.1.2 ELEMENTS OF CRIMES OF THE ICC

*Article 6(b) of The Elements of Crimes of the ICC* provides the elements that constitute genocide by causing serious bodily or mental harm. (1) The perpetrator caused serious bodily or mental harm to one or more persons (2) Such person/ persons belonged to a particular national, ethnical, racial or religious group (3) The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such (4) The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

*Article 6 (c) of The Elements of Crimes of the ICC* establishes the elements which constitute genocide by deliberately inflicting conditions of life calculated to bring about

---

<sup>92</sup> Supra 87

<sup>93</sup> Supra 87

<sup>94</sup> Supra 91

physical destruction. These are (1) The perpetrator inflicted certain conditions of life upon one or more persons (2) Such person or persons belonged to a particular national, ethnical, racial or religious group (3) The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group as such (4) The conditions of life were calculated to bring about the physical destruction of that group, in whole or in part (5)The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

*Article 6 (d) of The Elements of Crimes of the ICC* directs that the elements of genocide by imposing measures intended to prevent births are (1)The perpetrator imposed certain measures upon one or more persons (2) Such person or persons belonged to a particular national, ethnical, racial or religious group (3)The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such (4) The measures imposed were intended to prevent births within that group (5) The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

*Article 6 (e) of The Elements of Crimes of the ICC* stipulates that the elements of Genocide by forcibly transferring children are (1)The perpetrator forcibly transferred one or more persons (2)Such person or persons belonged to a particular national, ethnical, racial or religious group (3)The perpetrator intended to destroy, in whole or in part, that national, ethnical, racial or religious group, as such (4) The transfer was from that group to another group (5) The person or persons were under the age of 18 years (6)The perpetrator knew, or should have known, that the person or persons were under the age of 18 years (7)The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

The above international statutes unanimously agree on the *Mens Rea* and *Actus Reus* that constitute genocide as well as the groups of people protected from genocide. It's noteworthy that the genocide definition in the Genocide Convention was transplanted into the ICC Statute.<sup>95</sup> However it's plausible that the ICC Statute further developed the definition by codifying modes of conduct that constitute the *Actus Reus* for genocide courtesy of the Elements of Crimes of the ICC. Also, unlike the Genocide Convention, the ICC Statute has an enforcement mechanism through which genocide perpetrators can be prosecuted at the ICC in instances where the court has jurisdiction.<sup>96</sup>

---

<sup>95</sup> William A. Schabas, *State Policy as an Element of International Crimes*, Journal of Criminal Law and Criminology, Volume 98, Issue 3, Spring, 2008, Page 966, Para 1, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7299&context=jclc> accessed 1/7/16 at 19.04

<sup>96</sup> Supra 89, Article 5(1) (a)



The legal definition of genocide has a myriad of flaws. The author limits himself to the following; The *Mens Rea* requirement, the selection of the protected social collective, the context and process that influenced the drafting and adoption of the Genocide Convention i.e. the influence of the Holocaust and international politics during the convention negotiations that resulted into a myopic conception of genocide. The author is also critical of the legal categorisation of genocide as the “crime of crimes.”

#### 1.4.2 MENS REA (MENTAL ELEMENT)

The legal definition of genocide unequivocally emphasises that one must have a *special intent (dolus specialis)* in order to be culpable for genocide. This differs from the “normal” intent in criminal law.<sup>97</sup> The *special intent* necessitates each individual perpetrator, rank and file having the intention to destroy the group or part of it when committing any of the prohibited acts.<sup>98</sup>

Be it as it may, that the above mental element is imperative in establishing that indeed a genocide suspect had the requisite mental predisposition for the crime, as justice demands, its a herculean task for the prosecution to prove beyond reasonable doubt that indeed the perpetrator possessed the *dolus specialis*. As shown by the Seromba Case,<sup>99</sup> in the absence of direct evidence, often the case, the prosecution may have to rely on circumstantial evidence, which in itself is largely persuasive in proving *dolus specialis*.

##### 1.4.2.1 PROTECTED GROUPS AGAINST GENOCIDE

The legal definition of genocide recognises that people exist in groups, that certain groups have the right to exist “as such”, and that infringements of this right are an international crime of the highest order.<sup>100</sup> However, it creates “special” categories of social collectives protected from genocide at the expense of other similar groups.

Protecting only specific groups from genocide is discriminatory towards other similar “social” groups like political and economic groups, the disabled and so on. This leaves the latter without legal remedies for genocide in case it’s perpetrated against them. It’s

---

<sup>97</sup> Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmschurst, *An Introduction to International Criminal Law and Procedure* 3rd Edition, Cambridge University Press, Cambridge, 2014, Page 221 Para 1

<sup>98</sup> Akayesu, ICTR T. Ch. 1, 2 September 1998, Para 498; Kayishema ICTR T.Ch II, 21 May 1999, Para 91; Musema ICTR T. Ch.1, 27 January 2000 Para.164

<sup>99</sup> *The Prosecutor v. Athanase Seromba* (Appeal Judgement), ICTR-2001-66-A, International Criminal Tribunal for Rwanda (ICTR) 12 March 2008 Paras 177- 82

<sup>100</sup> *Security Council Expert Report* (27 May 1994) UN Doc A/1994/674 Page 88 ‘The Convention was manifestly adopted for humanitarian and civilising purposes. Its objectives are to safeguard the very existence of certain human groups and to affirm and emphasize the most elementary principles of humanity and morality.’)

critical to recall that the perpetrator determines the genocidal victim<sup>101</sup> hence the potential targets for genocide is infinite.

A number of justifications that largely failed to persuade the author were offered for the protection of the above “special” collectives. Focus is limited to one justification, perhaps the most fronted; “the stability and permanence of the protected groups.”

In the *Akayesu Case*,<sup>102</sup> The ICTR held that it’s particularly important to respect the intentions of the drafters of the Genocide Convention, which according to the travaux préparatoires, was patently to ensure the protection of any stable and permanent group.<sup>103</sup> However, the author argues that the protected collectives in the Genocide Convention are themselves mutable. Ethnicity is alterable. In Rwanda, for example, Hutus could become Tutsi through the ritual contract of *ubuhake* and the transfer of cattle, which conveyed a new social standing and ownership rights and vice versa.<sup>104</sup> Nationality and Religion are freely alienable.<sup>105</sup> The Universal Declaration of Human Rights (UDHR) affirms the right to alter nationality.<sup>106</sup> The flexibility of nationality is well portrayed by the shift from Yugoslavia to Serbia-Montenegro, Bosnia-Herzegovina and Croatia in the early 1990s.<sup>107</sup> The UDHR also upholds the right to change religion.<sup>108</sup> Religious philosophies and religions die out. Splinter groups also depart from mainstream religions.<sup>109</sup> Racial characteristics, perhaps most immutable of all, increasingly is mutable through surgical and technological advances.<sup>110</sup>

#### 1.4.2.2 THE HOLOCAUST AND THE GENOCIDE CONVENTION

The monstrosity of the Holocaust invoked the conscience of the “international community” and rightfully so, into the global criminalisation of genocide. Despite these

---

<sup>101</sup> Dr. David Nersessian, *Human Groups and Genocide*, Oxford Scholarship Online: September 2010, Page 72, <http://www.oxfordscholarship.com.ezproxy.ub.unimaas.nl/view/10.1093/acprof:oso/9780199588909.001.0001/acprof-9780199588909-chapter-5> accessed 17/6/16 at 16.04

<sup>102</sup> *Akayesu* (TC) [1998] ICTR Page 516

<sup>103</sup> *Ibid* 102, Page 53

<sup>104</sup> *Ibid* 101, Page 54 accessed on 3/5/2016 at 14.49

<sup>105</sup> This was recognised even during the drafting of the Convention. Official Records (6th Comm 1948) (SR69) 60 (UK).

<sup>106</sup> Article 15, UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A, [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) accessed on 3/5/2016

Official Records 723 (6th Comm 1948) UN Doc A/C6/SR219 (Fr) accessed on 3/5/2016 at 15.50

<sup>107</sup> There are legal prerequisites for statehood under international law. Cf Restatement (Third) of Foreign Relations s 201 (defined territory, permanent population, government and capacity to conduct international relations). The usage here is broader and would cover emergent national identity even when the formal requisites are not met.

<sup>108</sup> *Ibid* 106, Article 18

<sup>109</sup> *Ibid* 101, Page 70

<sup>110</sup> Griffin (1962) (narrative of white reporter who medically altered his skin colour in order to experience first-hand the racial segregation laws governing southern Blacks in the United States during the late 1950s)

noble intentions, the perception of genocide was conceivably limited by the Holocaust. This in turn significantly limited conduct that legally amounts to genocide. As earlier stated, the word “genocide” is new, but the concept is archaic.<sup>111</sup> However, the drafters of the Genocide Convention seem to have fallen short in taking this into account. The Holocaust was given “cult like status”<sup>112</sup> and taken as the embodiment of genocide itself yet it was and is a small part of a much larger picture.<sup>113</sup> David Moshman argues that in the normal course of perceiving and interpreting events, our concepts are, for the most part, invisible to us. Rather than reflecting on them, we see the world through them. Thus, the nature of our concepts to a large degree determines not only our subjective interpretations but even our most elementary, and seemingly objective, observations and categorisations.<sup>114</sup> This according to him explains why the Genocide Convention adopted a very Holocaust-centric definition of genocide. Martin Shaw adds that because of the reductionist approach to genocide where it’s been narrowed down to Nazi like exterminations and policies, few recent cases of genocide have been recognised as such.<sup>115</sup>

#### 1.4.2.3 INTERNATIONAL POLITICS AND THE GENOCIDE CONVENTION

The negotiation for a Genocide Convention was perhaps another instance of politics and diplomacy trumping justice. In the early works of Lemkin, it was apparent that he considered “cultural genocide” part and parcel of genocide.<sup>116</sup> In the 1st drafts of the Convention, cultural genocide was included, but upon political considerations and also for matters of consensus, it was deleted from the final definition. Only one aspect of it, the forceful transfer of children was retained.<sup>117</sup> “Cultural Genocide” is conceivably the very nucleus of genocide. Any definition that ignores this is somewhat parochial.

---

<sup>111</sup> Adam Jones, *Genocide: A Comprehensive Introduction*, Routledge, New York, 2006, Page 3

<sup>112</sup> H. Flanzbaum “*The Americanisation of the Holocaust*,” *Journal of Genocide Research*, Vol 1, 1999, Pages 91– 104.

<sup>113</sup> David Moshman, *Conceptual constraints on thinking about Genocide*, Educational Psychology Papers and Publications, Educational Psychology Department of University of Nebraska, 12/1/01, <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1045&context=edpsychpapers> accessed 25/6/16 at 8.46

<sup>114</sup> Ibid 113, Page 432, Para 6

<sup>115</sup> Damien Short, Matthew Waites , *Genocide, Culture and Settler Colonialism, , New Directions in the Sociology of Human Rights*, Routledge, [https://books.google.nl/books?id=NeTOCwAAQBAJ&pg=PT43&lpg=PT43&dq=how+the+holocaust+influenced+the+genocide+convention&source=bl&ots=NSJony2kCT&sig=by3NH\\_rwFx90W8TGD60pNHkesoI&hl=en&sa=X&ved=0ahUKEwivqtLGsMLNAhUqJsAKHVr1BgM4ChDoAQgeMAE#v=onepage&q=how%20the%20holocaust%20influenced%20the%20genocide%20convention&f=false](https://books.google.nl/books?id=NeTOCwAAQBAJ&pg=PT43&lpg=PT43&dq=how+the+holocaust+influenced+the+genocide+convention&source=bl&ots=NSJony2kCT&sig=by3NH_rwFx90W8TGD60pNHkesoI&hl=en&sa=X&ved=0ahUKEwivqtLGsMLNAhUqJsAKHVr1BgM4ChDoAQgeMAE#v=onepage&q=how%20the%20holocaust%20influenced%20the%20genocide%20convention&f=false) accessed 25/6/16 at 9.04

<sup>116</sup> Ibid 115

<sup>117</sup> David Nersessian, *Rethinking Cultural Genocide Under International Law Human Rights Dialogue: "Cultural Rights"* (Spring 2005), Carnegie Council for Ethics in International Affairs,

#### 1.4.2.4 GENOCIDE AS THE “CRIME OF CRIMES”

Like some scholars,<sup>118</sup> the author is critical of the elevation of genocide as “*the crime of crimes*”<sup>119</sup> to the extent that states are under an express legal obligation to prevent it<sup>120</sup> unlike any other crime. The elevation attracts an incentive for its manipulation for political, economic and other purposes by governments, government opposition members, NGOs and so on. In addition, this exaltation of genocide to the pinnacle of human monstrosity raises arguments as to whether genocide really is the “*crime of crimes*’ when one considers war crimes, crimes against humanity and multi-generational chattel slavery<sup>121</sup> and so on.

The paper adopted the most authoritative definitions of genocide under international law i.e. definitions according to the Genocide Convention, ICC Statute and the Elements of Crimes of the ICC as the legal definition of genocide for the paper. The provisions in the respective instruments that divulge the *Mens Rea* and *Actus Reus* for genocide were highlighted. A few of the shortcomings of the legal definition are addressed, the context of the adoption of the Genocide Convention which led to a parochial conception and resultant legal definition of genocide is analysed. Lastly, the author highlighted the concerns that surround the “legal” classification of genocide as “*the crime of crimes.*”

Having established the limitations of the legal definition of genocide, definitions from the social sciences significantly fill some of the gaps left by the legal definition and help in broadening the understanding of genocide. Below is an evaluation of genocide through the lenses of some leading social scientists;

#### 1.5 SOCIAL SCIENCE DEFINITIONS OF GENOCIDE

There are innumerable definitions of genocide in social science. Reviewed below are only but a select few;

Helen Fein in 1988 defines genocide as *a series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialisation of children in the family or group of origin. The*

---

[https://www.carnegiecouncil.org/publications/archive/dialogue/2\\_12/section\\_1/5139.html:/pf\\_printable](https://www.carnegiecouncil.org/publications/archive/dialogue/2_12/section_1/5139.html:/pf_printable)

accessed 25/6/16 at 9.31

<sup>118</sup> Supra 113, Pages 440-441

<sup>119</sup> *UN marks first International Day to commemorate victims of genocide; the “crime of crimes”*, <http://www.un.org/apps/news/story.asp?NewsID=52776#.V24M3jWP8WA> accessed 25/6/16 at 11.01

<sup>120</sup> Article 1, UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations

<sup>121</sup> Supra 113, Page 440, Para 5

*perpetrator may represent the state of the victim, another state, or another collectivity.*”<sup>122</sup> She adds in 1993, that *genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim.*”<sup>123</sup>

Prior to the Elements of Crimes of the ICC, 2002<sup>124</sup> the legal definition of genocide was limited in its elaboration of modes of conduct that constitute genocide. Fein’s definition was hence significant in elaborating on precise modes of conduct not explicitly mentioned in the legal definition that constitute critical elements of the *Actus Reus* of genocide.

It’s not clear if Helen Fein means that the series of actions for the destruction of the group are always intertwined with the suppression of the biological and social reproduction of the collectivity or if they may be independent by her use of the word *and* between the 2 modes of destruction of a collectivity. I believe its futile trying to predict the modes of extermination which the perpetrator may use since they are limitless. It’s equally imprudent trying to assume who the perpetrator may be considering that the potential candidates are infinite. She hints at potential candidate perpetrators being state or state sanctioned actors. Lately however especially in light of the ISIS “genocide” against the *Yezidis* in Iraq, there is a huge possibility for independent non-state actors perpetrating genocide.<sup>125</sup> Genocide may indeed be perpetrated by a member(s) of a different social collectivity or even by a member(s) of the same collectivity through the phenomenon of “auto-genocide” where a member(s) of a social collectivity are destroyed by fellow collectivity members as seen in the Cambodian genocide where *Khymers* exterminated fellow ethnic *Khymers*.<sup>126</sup>

Israel Charny in 1994 stated that “*genocide in the generic sense means the mass killing of substantial numbers of human beings, when not in the course of military action*

---

<sup>122</sup> Adam Jones, *Genocide; A Comprehensive Introduction*, Routledge, New York, 2006, Page 17, Para 5

<sup>123</sup> Ibid 122, Page 18, Para 1

<sup>124</sup> Supra 45

<sup>125</sup> Jack Moore, *European Parliament Recognises Killing of Religious Minorities as Genocide*, 2/4/16, <http://europe.newsweek.com/european-parliament-recognizes-isis-killing-religious-minorities-genocide-423008?rm=eu> accessed 25/6/16 at 10.21

<sup>126</sup> David L. Nersessian, *Genocide and Political Groups*, Oxford University Press, Oxford, 2010, Page 54, Para 4, [https://books.google.nl/books?id=ZC\\_7VDoY9swC&pg=PA54&lpg=PA54&dq=auto+genocide&source=bl&ots=WJbU-b0ptj&sig=EGC04xOW6y4Et95CUpnP8QRpc1Y&hl=en&sa=X&ved=0ahUKEwiCvYie2tPNAhUjJ8AKHWmzAPk4FBD0AQgjMAI#v=onepage&q=auto%20genocide&f=false](https://books.google.nl/books?id=ZC_7VDoY9swC&pg=PA54&lpg=PA54&dq=auto+genocide&source=bl&ots=WJbU-b0ptj&sig=EGC04xOW6y4Et95CUpnP8QRpc1Y&hl=en&sa=X&ved=0ahUKEwiCvYie2tPNAhUjJ8AKHWmzAPk4FBD0AQgjMAI#v=onepage&q=auto%20genocide&f=false) accessed 2/7/16 at 4.24

against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim.”<sup>127</sup>

Israel Charny’s definition is significant on 2 aspects. First of all, it makes the connection between armed conflict and genocide. Indeed in most instances, genocides occur within such a context as evidenced by the Holocaust, the Rwandan genocide, and the Cambodian and Armenian genocides among others. Secondly, it alludes to the defencelessness of the victims which often is the case during genocides, the aforementioned ones inclusive.

However, the author opines that genocide may occur outside the context of an armed conflict. It’s plausible that the genocides of the indigenous peoples in Australia and America who were exterminated as a result of diseases that the settlers carried died outside the context of an armed conflict. Millions died without even seeing a single European.<sup>128</sup> The same argument could be fronted for the over 10 million indigenous Congolese who were exterminated by agents of King Leopold pursuing capitalistic policies under the banner of colonial administration and “civilisation” of Africans. There was no armed conflict.<sup>129</sup> A modern day scenario arises in the case of Israel, where the Israeli government is accused of administering contraceptives to their Ethiopian women citizens without consent, a practice that has seen the birth rate among Ethiopian immigrants halving within a decade.<sup>130</sup> This practice plausibly suffices as genocide.

In addition, like David Moshman,<sup>131</sup> the author finds Charny’s definition unsatisfactory since it limits genocide to mass killings. This even contravenes the legal definition in the Genocide Convention that qualifies acts that aren’t essentially murderous like the forceful transfer of children as genocide. It also contravenes Helen Fein’s definition where she acknowledges other forms of perpetrating genocide besides killings.

---

<sup>127</sup> Supra 122, Page 18, Para 1

<sup>128</sup> Prof. E.R. Jethro Gaede, *The Cultural Implications of European Disease on New World Populations: With Primary Focus on the Abenaki, Powhatan, and Taino Groups*, Scholar’s Day Review, Volume 1, <http://web.monroecc.edu/manila/webfiles/scholarsday/5.RIVERAfinaldraft.pdf> accessed 2/7/16 at 5.12

<sup>129</sup> Christian P. Scherrer, *Genocide and Crisis in Central Africa, Conflict Roots, Mass Violence and Regional War*, Praeger, London, 2002, Pages 329- 333, [https://books.google.nl/books?id=ceFiryEHTL4C&pg=PA331&lpg=PA331&dq=capitalism+leopold+congo+genocide&source=bl&ots=kpMwLmPMH\\_&sig=Qo3N\\_WAPInCULKv1zINGJsw4PjM&hl=en&sa=X&ved=0ahUKEwjo7NTs59PNAhVhDcAKHbFfAtUQ6AEIeTAS#v=onepage&q=capitalism%20leopold%20congo%20genocide&f=false](https://books.google.nl/books?id=ceFiryEHTL4C&pg=PA331&lpg=PA331&dq=capitalism+leopold+congo+genocide&source=bl&ots=kpMwLmPMH_&sig=Qo3N_WAPInCULKv1zINGJsw4PjM&hl=en&sa=X&ved=0ahUKEwjo7NTs59PNAhVhDcAKHbFfAtUQ6AEIeTAS#v=onepage&q=capitalism%20leopold%20congo%20genocide&f=false) accessed 2/7/16 at 5.24

<sup>130</sup> Phoebe Greenwood, Ethiopian women in Israel 'given contraceptive without consent, 28/2/13, <https://www.theguardian.com/world/2013/feb/28/ethiopian-women-given-contraceptives-israel> accessed 2/7/16 at 4.52

<sup>131</sup> Supra 113, Page 438, Para 2

Lastly, Henry Huttenbach in 1988 argues that *genocide is any act that puts the very existence of a group in jeopardy*.<sup>132</sup>

Huttenbach's definition is relevant because like Fein's, it augments the "dryness" of the Genocide Convention pre Elements of Crimes of the ICC.<sup>133</sup> The deliberation on the requisite *Actus Reus* for genocide in the legal definition was limited. Huttenbach by placing emphasis on *Any Act* constituting the Actus Reus for genocide envisages acts beyond those mentioned in the Genocide Convention as constituting genocide. The author associates with Huttenbach's school of thought since the modes of conducting genocide are infinite and extend far beyond those highlighted in the Genocide Convention upon which all the previously discussed legal authorities are based.

However, Huttenbach's definition like Charny's and Fein's is extremely wide since the collectives that could be genocide victims are unlimited. This potentially dilutes the crime and opens flood gates for the invocation of genocide for even instances where governments in the creation and maintenance of law and order, eliminate gangs, drug dealers, terrorists. One may argue, in the author's humble opinion, falsely that this is genocide

Considering that these groups form a collective in the eyes of the government, "Anti-Socials."<sup>134</sup> Huttenbach's definition like Charny's ignores the mental intent of the perpetrator which the author believes is relevant for genocide. The implication of sidelining intent in a definition of genocide is that genocide may be invoked in a scenario like China's where some argue that the government's one child policy is genocidal since it limits the population growth of particular segments of China's ethnic groups yet the government has "legitimate aims" of restricting its population growth rate.<sup>135</sup>

The author defines genocide as an act or omission with the *malice aforethought*<sup>136</sup> that jeopardises the existence of a *reasonable*<sup>137</sup> number of people (based upon the

---

<sup>132</sup> Adam Jones, *Genocide; A Comprehensive Introduction*, Routledge, New York, 2006, Page 18, Para 4

<sup>133</sup> *Supra* 91

<sup>134</sup> Kok-Thay Eng, *Redefining Genocide*, Para 19, <http://www.genocidewatch.org/redefininggenocide.html> accessed 24/6/16 at 8.25

<sup>135</sup> *Ibid* 134, Para 7

<sup>136</sup> The requisite mental state for Common law murder, encompassing any of the following: 1) the intent to kill, 2) The intent to inflict grievous bodily harm, 3) Extremely reckless indifference to the value of human life

Black's Law Dictionary, 8<sup>th</sup> Edition, Thomson West, West Publishing Company, Minnesota, Page 977

<sup>137</sup> *Ibid* 107, Page 1293 Fair, Proper or moderate under the circumstances. "It's extremely difficult to state what lawyers mean when they talk of "reasonableness." In part, the expression refers to ordinary ideas of natural law or natural justice, in part to logical thought working upon the basis of the rules of law."

judgement of a *reasonable person*)<sup>138</sup> who according to the perpetrator share a *nationality*,<sup>139</sup> *ethnicity*<sup>140</sup> or *race*. Below is a detailed explanation of the definition.

Emphasis is placed on *malice aforethought* because establishing the intent to destroy in whole or in a part an ethnicity, nationality or race is imperative in genocide as a mental element. This is necessary in order to distinguish genocide from negligent or reckless mass killings without the intention of destroying a social collective perhaps like the atomic bombing of Nagasaki and Hiroshima<sup>141</sup> or government policies like the one child China policy that's justified by "public interest."<sup>142</sup> The advantage of the *malice aforethought* mental element over *dolus specialis* is that the former carries a lesser burden of proof for the prosecution in comparison to the latter.<sup>143</sup>

The victim in genocide should be viewed through the eyes of the perpetrator. This is because "social collectives" are non-scientific, often social constructs that are subjective. It's arguable whether any of the protected groups have an objective existence. In the *Bagilishema Case*,<sup>144</sup> it was held that a group may not have precisely defined boundaries and there may be occasions when it's difficult to give a definitive answer as to whether or not a victim was a member of a protected group. Moreover, perpetrators of genocide may characterise the targeted group in ways that don't fully correspond to the conceptions of the group shared generally. If a victim was perceived by a perpetrator as belonging to a protected group, the victim should be considered as such for the purposes of genocide.

---

<sup>138</sup> Ibid 107, Page 1294; A hypothetical person used as a legal standard especially to determine whether someone acted with negligence, specifically a person who exercises the degree of attention, knowledge, intelligence and judgement that society requires for its members for the protection of their own and the interests of others. The reasonable man connotes a person whose notions and standards of behavior and responsibility correspond with those generally obtained among ordinary people in our society at the present time, who seldom allows his emotions to overbear his reason and whose habits are moderate and whose disposition is equable. He is not necessarily the same as the average man. The reasonable man is an amalgamation of counter balancing extremes.

<sup>139</sup> In (*Liechtenstein v. Guatemala*) [1955] ICJ I/ *The Nottebohm case*, the International Court of Justice (ICJ) defined Nationality as a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties.

<sup>140</sup> *Akayesu* (TC) [1998] ICTR Para 513, an ethnic group is generally defined as a group whose members share a common language or culture.

<sup>141</sup> *Bombings of Hiroshima and Nagasaki – 1945*, <http://www.atomicheritage.org/history/bombings-hiroshima-and-nagasaki-1945> accessed 24/6/16 at 10.57

<sup>142</sup> Supra 134

<sup>143</sup> Johan D. Van der Vyver, *The International Criminal Court And The Concept Of Mens Rea In International Criminal Law*, 7/1/04, University of Miami, International and Comparative Law Review, <http://repository.law.miami.edu/cgi/viewcontent.cgi?article=1088&context=umicl> accessed 2/7/16 at 10.50

<sup>144</sup> *Bagilishema*, ICTR T. Ch. 1, 7 June 2001, Para 65



The author's perception and understanding of genocide is inclined towards "ethnocide" comparable to the literal meaning of the word "genocide", an English noun that the English Oxford Dictionary defines as *the deliberate killing of a large group of people, especially those of a particular nation or ethnic group*.<sup>145</sup> This understanding of genocide is in tandem with Ward Churchill's view that genocide is "*a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings*".<sup>146</sup> Limiting the protected social collectives to ethnicity, nationality and race is supported by Yehuda Bauer who referred to the Holocaust as "*planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic or racial group*." His genocide definition encompasses ethnocide and killing part of a racial, national or ethnic group as such and or with intent of denationalisation.<sup>147</sup>

The author belongs to the school of thought that believes in construing genocide in a manner conceivably faithful to the original conception of its legal alchemist, Lemkin. It's arguable that he was predisposed towards the protection of nations and ethnicities.<sup>148</sup> Expanding the social collectives may lead to absurdity in the invocation of genocide as discussed above.<sup>149</sup> The extermination of other collectives outside ethnicity, nationality and race can be accommodated under other crimes like war crimes and crimes against humanity mainly.

## 1.6 CONCLUSION

From the Chapter, the reader may appreciate the complexity that characterises the categorisation of events as genocide despite the existence of a plethora of definitions ranging from authoritative legal definitions to definitions from imminent scholars in the social sciences. However, as regards the case study, (S.Sudan) all the aforementioned definitions of genocide are applicable since the most likely basis for widescale violence in S.Sudan is ethnicity or nationality. High handed violence, especially the kind underlined with killings directed at these collectives is captured under the aforementioned definitions as genocide.

---

<sup>145</sup> <http://www.oxforddictionaries.com/definition/english/genocide> accessed 25/6/16 at 10.25

<sup>146</sup> Churchill, W. (1997) *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, City Lights Books, San Francisco, Page 439

<sup>147</sup> Supra 134, Para 21 accessed 24/6/16 at 8.50

<sup>148</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace, Washington D.C, 1944

<sup>149</sup> Kok-Thay Eng, *Redefining Genocide*, Para 7 ,<http://www.genocidewatch.org/redefininggenocide.html> accessed 24/6/16 at 8.25

Genocide is ambiguous. It's arguably heavily influenced by one's world view and normative values. Until a universal world view and normative values are achieved, the perception and subsequently the definition of genocide are likely to be varied.

The aforementioned variance in the understanding of genocide is crucial in regard to this paper. The perception of the S.Sudan's susceptibility to genocide is subjective. While some may conclude from the next Chapter that genocide has already been perpetrated in S.Sudan, perhaps even on numerous occasions, some may interpret the study as a precursor for genocide while some may even deny that there are genocidal developments in the country.

## **CHAPTER 2: SOUNDING THE GENOCIDE SIRENS**

### **2.1 INTRODUCTION**

As stated by the Secretary General of the UN, Ban Ki Moon, genocide is never a random event. He elaborates by stating that<sup>150</sup>

*“Genocide isn’t part of the accidental ‘fallout’ of conflict; most often, it’s systematic, planned, with precise targets, and it can also take place outside of conflict situations,”*

Scholars have argued that there are contextual requirements (preconditions) of genocide. Once these are in the background, the likelihood of genocide is high. Before inquiring into the likelihood of genocide in any society, it’s hence prudent to evaluate the aforementioned contextual requirements. This is done below in relation to S.Sudan.

### **2.2 PRE-CONDITIONS FOR GENOCIDE**

Some of the fundamental pre-conditions for genocide are the following; *Difficult life conditions*. As per Staub, these include severe economic problems, great political disorganisation or rapid social changes. Difficult life conditions have an intense psychological impact on people. They frustrate basic, universal psychological needs for security, positive identity, and feelings of effectiveness and control. In response, individuals tend to turn to groups for identity, security, and belonging. They scapegoat another group(s). Ideologies are developed that offer hope for a better life but are eventually destructive since they identify enemies who must be “dealt with” (destroyed).<sup>151</sup>

Closely related to *difficult life conditions* are *political upheaval* and *low economic development*. Political upheaval is defined as an abrupt change in the political community caused by the formation of a state or regime through violent conflict, redrawing of state boundaries, or defeat in international war. Empirically, all but one of the 37 genocides that began between 1955 and 1998 occurred during or immediately after political upheavals.<sup>152</sup> There had been significant economic deterioration in

---

<sup>150</sup> UN marks first International Day to commemorate victims of genocide; the ‘crime of crimes’, 9/12/15, <http://www.un.org/apps/news/story.asp?NewsID=52776#.V24M3jWP8WA>

<sup>151</sup> The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 825 <http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 12/7/2016 at 12.01

<sup>152</sup> Barbara Harrf, *No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955*, American Political Science Review, Vol. 97, No. 1 February 2003, Page 62, Paras 2,3 <https://www.jstor.org/stable/3118221> accessed 12/7/16 at 12.08

Germany before the Nazis came to power, in Rwanda before the 1994 genocide and in the former Yugoslavia, prior to the Srebrenica massacre.<sup>153</sup>

S.Sudan is currently embroiled in political upheaval. It's the newest state in the world only formed in 2011.<sup>154</sup> The current transitional government, largely a political compromise due to international pressure to end the conflict that erupted in December 2013 is currently falling apart.<sup>155</sup> The economy of S.Sudan is in free fall at the moment.<sup>156</sup>

*Conflict between groups*, especially identity groups, is another instigating condition especially as it becomes persistent, intractable and violent, is often the starting point for genocide. Conflicts usually have psychological elements, such as the devaluation of the other group(s), mistrust and fear.<sup>157</sup> Ethnic divisions are a precondition of genocide.<sup>158</sup> A history of prior genocide(s) increases the susceptibility of societies to genocide. Perpetrators of genocide often are repeat offenders because targeted groups are rarely destroyed in their entirety.<sup>159</sup>

S.Sudan is characterised by ethnic divisions.<sup>160</sup> The hatred between the Dinka and Nuer ethnicities in S.Sudan is well documented.<sup>161</sup> The 1991 Bor massacre of the Dinkas by the Nuer have been termed in some quarters as genocide. The killings of Nuer in Juba in December 2013 by Dinkas have been labelled by some as genocide as well.<sup>162</sup>

*War*. Genocides often take place in the context of war. Sometimes genocide is directed against the opponent in the war, as in the civil war in Rwanda (at the commencement of the genocide, there was a cease-fire). Other times, the victim is a party not involved in

---

<sup>153</sup> Supra 151, Page 825, Para 3

<sup>154</sup> AU, *Final Report of the AU Commission of Inquiry on S. Sudan*, 2014, Para 62  
<http://www.peaceau.org/uploads/auciss.final.report.pdf>

<sup>155</sup> *South Sudan crisis: Renewed fighting in Juba*, 12/7/16, <http://www.aljazeera.com/news/2016/07/south-sudan-security-council-demands-ceasefire-160711043656662.html> accessed 13/7/16 at 12.12

<sup>156</sup> *South Sudan Economic Outlook*, <http://www.afdb.org/en/countries/east-africa/south-sudan/south-sudan-economic-outlook/> accessed 22/6/16 at 20.38

<sup>157</sup> Supra 151, Page 826, Para 1

<sup>158</sup> Supra 152, Page 63, Para 10

<sup>159</sup> Helen Fein, "Accounting for Genocide After 1945: Theories and Some Findings" *International Journal on Group Rights*, Pages 79 -106

<sup>160</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Page 105, Para 334,  
<http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed 7/6/2016 at 13.08

<sup>161</sup> Sharon Elaine Hutchinson, *Nuer Ethnicity Militarised*, *Anthropology Today* Vol.16 No 3, June 2000, Page 10, Para 2  
<https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf> accessed 20/6/16 at 11.02

<sup>162</sup> *Final Report of the Panel of Experts on South Sudan established pursuant to Security Council Resolution 2206 (2015)*, Para 16, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_70.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_70.pdf) accessed 12/7/16 at 15.02

the war, as in the Holocaust. War represents a significant evolution of violence, which makes further violence easier. In addition, war can be a cover under which it's easier to turn against a group.<sup>163</sup> The longest civil war in Africa (55 years) was in S.Sudan.<sup>164</sup> Peace has been elusive in the S.Sudan. Even secession, the grant of the right to self-determination and independence has failed to secure peace. A bloody conflict erupted in December 2013 following an alleged political coup.<sup>165</sup> International pressure coerced the signing of a peace agreement and establishment of a transitional government in April 2016.<sup>166</sup> Around 4 months later, skirmishes have erupted in the capital (last week). Over 300 have been killed including UN peacekeepers. There are serious doubts about the future of the ceasefire and the transitional government.<sup>167</sup>

*International Context: Economic and Political Interdependence.* Countries with greater-than-average memberships in international organisations are plausibly subject to greater external influences. Their governments are less likely to resort to genocide. Analysis of the preconditions of ethnic war, a common precursor of genocide shows that countries with below-average numbers of regional memberships are 3 times more likely to have ethnic wars than countries with above-average numbers of memberships.<sup>168</sup>

The general rule in relation to state membership in international organisations is that membership is personal. Upon seceding from Sudan, the new state of S.Sudan had to apply for membership to international organisations.<sup>169</sup> Currently, the state's

---

<sup>163</sup> Supra 151, Page 827, Para 2

<sup>164</sup> Taiser. M. Ali, Robert O. Matthew, *Civil Wars in Africa; Roots and Resolution*, McGill-Queen's University Press, London, Page 3, [https://books.google.hu/books?id=rcu-hmpVLUYC&pg=PA3&lpg=PA3&dq=longest+civil+war+in+africa&source=bl&ots=d08Bgx\\_hJK&sig=JBvK2TYJBakZoItYS0G6cV9QRgQ&hl=en&sa=X&ved=0ahUKEwiH5oSs0vDNAhXEzxQKHf7JCZAQ6AEIigEwEw](https://books.google.hu/books?id=rcu-hmpVLUYC&pg=PA3&lpg=PA3&dq=longest+civil+war+in+africa&source=bl&ots=d08Bgx_hJK&sig=JBvK2TYJBakZoItYS0G6cV9QRgQ&hl=en&sa=X&ved=0ahUKEwiH5oSs0vDNAhXEzxQKHf7JCZAQ6AEIigEwEw) accessed 13/7/16 at 16.30

<sup>165</sup> Dr. Kasaija Phillip Apuuli, *Explaining the (il)legality of Uganda's Intervention in the current South Sudan conflict*, African Security Review, Routledge, 24/09/2014, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf> accessed 11/6/16 at 18.38

<sup>166</sup> *S.Sudan; Security Council calls on Transitional Government to implement Peace Accord*, <http://www.un.org/apps/news/story.asp?NewsID=53854> accessed 13/7/16 at 16.08

<sup>167</sup> Supra 155

<sup>168</sup> Supra 152, Page 65, Para 2

<sup>169</sup> Jan Klabbbers, 3.6 *State Succession and Membership*, Para 2, [https://books.google.hu/books?id=UKwVCgAAQBAJ&pg=PT57&lpg=PT57&dq=south+sudan+international+organisations+klabbbers&source=bl&ots=6\\_0k-HNeZU&sig=pwp5P0aUSMnaeatsu8QmtvmlayA&hl=en&sa=X&ved=0ahUKEwjmr\\_zv4u3NAhWFWHoKHdWBAYcQ6AEIKTAC#v=onepage&q=south%20sudan%20international%20organisations%20klabbbers&f=false](https://books.google.hu/books?id=UKwVCgAAQBAJ&pg=PT57&lpg=PT57&dq=south+sudan+international+organisations+klabbbers&source=bl&ots=6_0k-HNeZU&sig=pwp5P0aUSMnaeatsu8QmtvmlayA&hl=en&sa=X&ved=0ahUKEwjmr_zv4u3NAhWFWHoKHdWBAYcQ6AEIKTAC#v=onepage&q=south%20sudan%20international%20organisations%20klabbbers&f=false) accessed 12/7/16 at 13.01

membership to international organisations is plausibly low.<sup>170</sup> The S.Sudan government acknowledged the need for integration, regionally and internationally.<sup>171</sup>

From the above evaluation, it's evident that the pre-conditions for genocide are prevalent in S.Sudan. Life conditions are incredibly difficult. There's political upheaval. The economy is in shambles. There's intense animosity between the Dinka and the Nuer. The state is internationally and regionally isolated. The country has been in war almost perpetually with the latest skirmishes erupting only days ago.

A study of genocides reveals a diabolical connection in most of the genocides. Prior to the perpetration of genocide, there are societal developments and changes that occur. Based on these, genocide scholars have formulated what are called the Stages of Genocide. Such frameworks may be used as a tool for feasibly studying the transgression of societies into genocide. They are vital for preventing genocide through early interventions where a trend towards genocidal developments is perceptible in a society.

### 2.3 COMPARATIVE ANALYSIS OF SCHOLARS' STAGES OF GENOCIDE

An understanding of the origins of mass violence must be interdisciplinary, since the psychology of individuals, groups, cultures, structures institutions, etc. must be understood.<sup>172</sup> Genocide is a result of the combination of numerous influences. These include; the conditions in a society, characteristics of a society's culture, psychological effects of the society's culture, the political system, the passivity of internal and external bystanders, etc.<sup>173</sup>

To show the transgression of S.Sudan towards genocide, the author employs the Stages of Genocide formulated by 4 different genocide scholars; Gregory Stanton,<sup>174</sup> Jean-Michel Lecomte,<sup>175</sup> Jean Mukimbiri<sup>176</sup> and Raul Hilberg.<sup>177</sup>

---

<sup>170</sup> *Membership of International organisations of S. Sudan,*

<http://fortuneofafrica.com/southsudan/membership-of-international-organizations-of-south-sudan/> accessed 12/7/16 at 13.03

<sup>171</sup> *S.Sudan set to develop on regional and international trade,* 26/7/2012,

<http://www.sudantribune.com/spip.php?article43365> accessed 12/7/16 at 13.06

<sup>172</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing, Zygon,* Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 822, Para 5  
<http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 7/6/2016 at 20.00

<sup>173</sup> *Ibid* 172, Page 823, Para 3

<sup>174</sup> Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, "The Eight Stages of Genocide" at the US State Department in 1996, Para 1  
<http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed on 29/5/2016 at 12.12

<sup>175</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century,* Council of Europe, Council of Europe Publishing, Strasbourg,

Stanton is a leading scholar in the field of genocide, particularly in the stages of genocide. Lecomte and Hilberg are authoritative in regard to the Holocaust. Mukimbiri is authoritative in regard to the genocides in Rwanda particularly the 1994 one. It's noteworthy that Mukimbiri's Stages are borrowed from Lecomte and applied *mutatis mutandis* for formulating the stages of the 1994 Rwandan genocide. His plausibly novel contribution is the reformulation of the Definition Stage as *Redefinition* for the Rwandan context since Rwandans (Hutu and Tutsi) share a common ethnicity, nationality and ancestry and the artificial divisions among them were exaggerated by the Belgian colonialists.<sup>178</sup> The author bases immensely on Mukimbiri's work because the Rwandan genocide is plausibly the best for a comparative analysis with S.Sudan. Among other reasons, both countries are neighbours, (East African Community members), there's a similar understanding of ethnicity and nationality in both contexts, both have a colonial history, the economic, peace and security dynamics in Rwanda prior to the 1994 genocide resembled those currently in S.Sudan.

In addition to the aforementioned academic authorities, the author invokes the works of other academic authorities most predominantly Ervin Staub and Prof. Sharon Elaine Hutchinson. In addition to using the 1994 Rwandan genocide for comparative analysis, the Holocaust is invoked quite significantly. Limited references are made to the Cambodian and Armenian genocides.

It's apparent that the various scholars have variances in the terminologies they use to describe their respective Stages of Genocide. It's noteworthy that the differences are only limited to nomenclature. The analysis of societal changes leading to the perpetration of mass extermination and the methodology of analysis is largely similar amongst the scholars. However, there's an overlap in the stages in the various models. This is most evident in the middle of the genocide cycles. For example, while the 2<sup>nd</sup> and 3<sup>rd</sup> Stages of *Hilberg's* Model are Stripping and Segregation/ Stigmatisation respectively, *Lecomte's* are Registration and Designation. The mid overlap is inconsequential since the stages crisscrossing at this point such as Persecution, Discrimination, Exclusion, Confiscation of Goods, Stripping, and Systematic Isolation etc. can all occur concurrently. It's also arguable that the bulk of the mid stages suffice as forms of Discrimination, Dehumanisation and Persecution. The conceivably most consequential and relevant Stages of Genocides, which are conspicuous in all the

---

[http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf) accessed 18/6/16 at 19.48

<sup>176</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*,

<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 2/7/16 at 12.23

<sup>177</sup> Alette Smeulers, Fred Grunfeld, *Bystanders*, International Crimes and other Gross Human Rights Violations, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 180, Para 2

<sup>178</sup> *Ibid* 176, Page 825, Para 5

models are; Definition, Discrimination, Dehumanisation and Extermination. (Annihilation)

The author uses Stanton's model as the main framework for analysing S.Sudan's genocide vulnerability since Stanton's has the most stages and is the most referenced in genocide studies and research. It's conceivable that since it has the most stages, it's the most elaborate. The author nevertheless lays the most emphasis on the stages that intersect across all the models since some stages are significant only in Stanton's model. Owing to this, some stages of genocide i.e. Classification, Symbolisation, (Definition), Dehumanisation and Polarisation shall receive more attention than the rest. Further, considering that these stages are arguably the very nucleus of the genocidal process, they warrant more attention.

Data pertaining to the facts, dynamics and realities in S.Sudan are obtained from predominantly primary sources. This data is applied to Stanton's Stages of Genocide to evaluate how far down the road of widespread genocide S.Sudan has gone.

## **2.4 APPLYING STANTON'S STAGES OF GENOCIDE TO S.SUDAN**

According to Dr. Gregory Stanton, genocide is a process that develops in 10 stages, predictable but not inexorable. At each stage, preventive measures can halt the progression towards genocide. The process isn't linear. Stages may hence occur simultaneously. Logically, later stages are preceded by earlier stages nonetheless all stages continue to operate throughout the process.<sup>179</sup>

### **2.4.1 CLASSIFICATION**

This is the 1<sup>st</sup> Stage of Genocide according to *Stanton's* model.<sup>180</sup> Stanton argues that all cultures have categories that distinguish people into "us and them" through ethnicity, race, religion, or nationality. Bipolar societies that like Rwanda and Burundi are the most susceptible to genocide.<sup>181</sup> "Us and Them" thinking is a core influence in mass violence. Ervin Staub argues that differences in language, culture, values, beliefs, standards of conduct, perception and interpretation of events are a basis for differentiation among people.<sup>182</sup>

In the process of establishing a state, a fundamental element is a nucleus of shared past experiences and symbols for a concept of identity in order to win acceptance and

---

<sup>179</sup>Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, "The Eight Stages of Genocide" at the US State Department in 1996, Para 1  
<http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed 29/5/2016 at 12.12

<sup>180</sup> Ibid 179, Para 2

<sup>181</sup> Ibid 179, Para 2

<sup>182</sup> Supra 172, Page 826, Para 2



persevere against competing influences and loyalties.<sup>183</sup> S.Sudan finds itself in an unenviable position where it doesn't have a readily available nucleus of national memory and identity which all citizens know, acknowledge and endorse. At no point in history did the present day territories of the world's newest state form a united body politic. While the Zande people possessed a sophisticated hierarchical state structure in pre-colonial times,<sup>184</sup> other ethnic groups like the Dinka and Nuer were and are acephalous societies with a dispersed horizontal structure of authority.<sup>185</sup> What have now been reduced to tribes and ethnicities within the state of S.Sudan were autonomous nations brought together by the yoke of colonialism.<sup>186</sup>

The apparent differences amongst the S.Sudanese were further exacerbated by the British colonial "divide and rule" policy through which indirect rule was conducted in its colonies.. This reinforced and politicised the ethnic identities that resonates to date.<sup>187</sup> For proponents of S. Sudanese nationalism, it's virtually impossible to find a credible precedent to refer to.<sup>188</sup>

S.Sudan doesn't possess a common language except for Juba Arabic, a colloquial form of Arabic, officially shunned. Only a minority is fluent in English, the official language. Also, though Christianity is the majority religion in the state, the experience of violent proselytization campaigns by the religious fundamentalist regime in Khartoum made the S.Sudan government opt for strict secularism. Hence,

*"S.Sudan is only slightly more than a geographical expression. ... The main glue that binds the country's multiple ethnicities together is the history of their struggle for freedom and collective opposition to the north."*<sup>189</sup>

S.Sudan is currently a multi-ethnic state where people strongly identify with their respective ethnicities. Inherently, therefore people classify themselves and are classified into their ethnicities. The 2008 Census indicates a population of about 8 million from 64

---

<sup>183</sup> Ole Frahm, *S. Sudan: An Outlier In Postcolonial African Nation-Building?*, Page 77, Para 1  
[https://www.academia.edu/11726050/South\\_Sudan\\_An\\_Outlier\\_in\\_Postcolonial\\_African\\_Nation-Building](https://www.academia.edu/11726050/South_Sudan_An_Outlier_in_Postcolonial_African_Nation-Building) accessed 18/6/16

<sup>184</sup> Evans-Pritchard, E. E. "*The Zande State.*" *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 93(1), 1963, Pages 134–54

<sup>185</sup> Beswick, Stephanie "*Islam and the Dinka of the Southern Sudan from the pre-colonial period to independence (1956).*" *Journal of Asian and African Studies* 29(3/4), 1994, Pages 178

<sup>186</sup> Rita Kiki Edozie, *Reconstructing the Third Wave of Democracy: Comparative African Democratic Politics* Page 32, Para 5

<sup>187</sup> Elizabeth Laruni, Michelle McKenna, 26/2/14, *Conflict in South Sudan: Civil War as a Political Weapon*, <http://www.hscentre.org/sub-saharan-africa/conflict-in-south-sudan-civil-war-as-a-political-weapon/> accessed 18/6/16 at 7.26

<sup>188</sup> Ibid 183, Page 77, Para 1

<sup>189</sup> Jok Madut, *Diversity, Unity, and Nation Building in South Sudan*, United States Institute of Peace, Special Report 287, 2011, Page 2

ethnicities (nations)<sup>190</sup>. Each ethnicity has its unique systems of social structures, livelihoods, cultural traditions and identity. This diversity despite its advantages, threatens the establishment of a collective national identity.<sup>191</sup> Maintaining social cohesion among the more than 60 ethnic groups in S.Sudan is an immense challenge.<sup>192</sup>

Mukimbiri argues that the 1st stage of genocide in Rwanda was *Redefinition*. He argues that before classification through identity cards during colonialism in the 1930s, the Hutu and Tutsi acknowledged the same eponymous forefather, *Kanyarwanda*. The Hutu and Tutsi had the same founding myth, same traditional religion, the same social and political organisation, the same language and the same agropastoral vocation with the prevalence of herding for the Tutsi and agriculture for the Hutu but were classified later by identity cards.<sup>193</sup> This classification played a cardinal role in the 1994 genocide.

The S.Sudanese people have been classified generally by anthropologists and biologists as Nilo-Saharan of Eastern-Sudanic ethnic origins, with a few Bantu people hence implying that the S.Sudanese of the Nilo-Saharan origin are kin through historical ethnic linkages. Notwithstanding, the perception of self and a group as a distinct ethno-tribal entity is much greater within the larger S.Sudanese society, than any national symbols for collective identity as one nation<sup>194</sup>.

Anthropologists state an even closer relationship between that the Nuer, Dinka, Nuer, Shilluk, Anuak, Acholi, and Lango since they are all sub ethnic groups from a larger collective ethnic group, West Nilotics. (Nilotes)<sup>195</sup> However, due to predominantly migrations among other reasons, they have no appreciation of their common roots and plausibly view each other as aliens.<sup>196</sup> There's hence a plausible case for the redefinition of the S.Sudanese people into various ethnicities as was in Rwanda and hence augmenting the classification of the people.

---

<sup>190</sup> *Changes in the Country Context, Peacebuilding, Education and Advocacy in Conflict affected Contexts Programme*, UNICEF South Sudan 2014 Annual Report, Page 7 Para 1

<http://learningforpeace.unicef.org/wp-content/uploads/2015/11/South-Sudan-Annual-Report-%E2%80%93-2014.pdf> accessed on 29/5/2016 at 14.31

<sup>191</sup> *The Peoples and Traditions of South Sudan*, <http://www.southsudanembassydc.org/inner.asp?z=5C5F> accessed on 29/5/2016 at 14.40

<sup>192</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Page 14, Para 36, <http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed 17/6/16 at 22.45

<sup>193</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 825, Para 5

<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 18/6/16

<sup>194</sup> Madut Kon, *Institutional Development, Governance, and Ethnic Politics in S.Sudan*, *Journal of Global Politics*, 1/7/15, Paras 14,15, <http://www.esciencecentral.org/journals/institutional-development-governance-and-ethnic-politics-in-south-sudan-2375-4389-1000147.php?aid=57097> accessed 17/6/16

<sup>195</sup> Anders Breidlid, Avelino Androga Said, *A Concise History of South Sudan*, Fountain Publishers, Kampala, Page 73

<sup>196</sup> Sharon Elaine Hutchinson, *Nuer Ethnicity Militarised*, *Anthropology Today* Vol.16 No 3, June 2000, <https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf> accessed 20/6/16 at 10.16

The fractious nature of S.Sudan society has shaped SPLA/M (the ruling party) over the years and reflects in the current crisis. According to the UN, the 3 main forces that have shaped S.Sudanese politics are; pure tribal divisions, contestation between the SPLM and opposed groups and internal SPLA/M factionalism, which often takes ethnic dimensions.<sup>197</sup>

Speaking to the AU Commission, a highly placed member of the judiciary lamented about how tribalism jeopardises nation building in S.Sudan.

*“It’s unfortunate that there’s this tribal mind-set which we cannot deny but as we are building a nation, there’s no way we can proceed with this tribal mind-set. We have to build a nation out of these different cultural and ethnic groups. We have more than 63 tribes in South Sudan”*<sup>198</sup>

#### 2.4.2 SYMBOLISATION

A decisive prerequisite of genocide is the definition of a category of persons as radically different perhaps even to the extent of extermination. During the Holocaust, classification was based on a “Jewish race” and “Aryan race”. Such a distinction is necessary in order to move from an individual scapegoat, to the undertaking of systematic industrial extermination.<sup>199</sup>

Names and symbols define classifications. In the Nazi Holocaust, groups of people were classified as “Jews” or “Gypsies” and distinguished by colours and symbols. Classification and symbolisation are universally human and are harmless unless they result into dehumanisation.<sup>200</sup> Symbolisation is necessary where the allegedly different people are in reality no different from the rest of society. The need to identify the pariah group and find them at the appropriate juncture necessitates their symbolisation. In spite of the deceptions disseminated, Jews were not particularly different from the rest of the population hence the need to symbolise them.<sup>201</sup> The Jews were required to wear the Star of David. This was one of the measures the Jews resented the most.<sup>202</sup>

---

<sup>197</sup> UN, United Nations Mission in the Republic of S.Sudan (UNMISS) : *Conflict in South Sudan: A Human Rights Report, Background and Context*, 8/5/2014, Para 58, Para 178, accessed 17/6/16 at 22.53 <https://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>

<sup>198</sup> Supra 192, Page 105, Para 334

<sup>199</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century*, Council of Europe, Council of Europe Publishing, Strasbourg, Page 47, Para 4 [http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf) accessed 17/6/16 at 22.18

<sup>200</sup> Supra 179, Para 3 accessed on 29/5/2016 at 14.53

<sup>201</sup> Ibid 199, Page 48, Para 3

<sup>202</sup> Ibid 199, Page 54, Para 1

In the Cambodian genocide, inhabitants of the Eastern Cambodia were made to wear a blue and white version of the traditional Khmer scarf. All other Cambodians were forced to wear the red and white or yellow and white versions but were prohibited from wearing the blue. Shipped to other areas, the people with blue scarves were given less food and forced to work harder, until they died.<sup>203</sup> "Asocials" (Roma, nonconformists, vagrants, and other groups) in the concentration camps were identified in the following ways; Roma, black or brown triangles. Homosexuals were identified with pink triangles and Jehovah's Witnesses with purple ones.<sup>204</sup>

From an anthropological perspective (already addressed),<sup>205</sup> the bulk of the S.Sudanese people have a common ancestry and ethnic origin hence these "different peoples" are actually not that different especially physically.

In S.Sudan, symbolisation is institutionalised through customs and traditions of scarification (cicatrization) that intersect through the bulk of the ethnicities in S.Sudan. Scarification is an invasive way of permanently marking the body through cutting, branding the skin, and manipulating the healing process. The scars (cicatrices) that remain can form raised lumps known as keloids. These are often created in series to form complex and delicate patterns over large areas of skin. Undergoing the ordeal and having the 'right' marks is the only way to be fully recognised, desired or valued within a particular culture.<sup>206</sup>

Scarification and cicatrization are pre-historic practices in S.Sudan. A common scarring pattern among the Shilluk is a row of raised bumps across the forehead made by rubbing ash into the wounds. The Nuer, have 6 parallel lines on their foreheads while the Ja'alayin have lines marked on their cheeks. The scarring is done for aesthetic purposes, for identifying ethnicities,<sup>207</sup> showing one's social status or maturity and for health purposes.<sup>208</sup> Dinka boys receive their scars around adolescence. The scars are an eternal

---

<sup>203</sup> Chris Anderson, *Genocide in Cambodia and East Timor, Action and Inaction* : The Failures of the International Community in South East Asia's Genocides, Page 8, Para 1

[http://christopheranderson.ca/documents/christopher\\_anderson\\_-\\_genocide\\_in\\_cambodia\\_and\\_east\\_timor.pdf](http://christopheranderson.ca/documents/christopher_anderson_-_genocide_in_cambodia_and_east_timor.pdf)

<sup>204</sup> *Classification System in Nazi Concentration Camps*, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005378> accessed 18/6/16 at 12.28

<sup>205</sup> Anders Breidlid, Avelino Androga Said, *A Concise History of South Sudan*, Fountain Publishers, Kampala, Page 73, Madut Kon, *Institutional Development, Governance, and Ethnic Politics in S.Sudan*, Journal of Global Politics, 1/7/15, Paras 14,15, <http://www.esciencecentral.org/journals/institutional-development-governance-and-ethnic-politics-in-south-sudan-2375-4389-1000147.php?aid=57097> accessed 17/6/16

<sup>206</sup> *Scarification*, The Pitt Rivers Museum, University of Oxford, England, 2011, Para 4 <http://web.prm.ox.ac.uk/bodyarts/index.php/permanent-body-arts/scarification.html> accessed on 18/6/16 at 12.37

<sup>207</sup> Patricia Levy, Zawiah Abdul Latif, *Cultures of the world, Sudan*, Marshall Cavendish Benchmark, New York, 2<sup>nd</sup> Edition, 2008, Page 69

<sup>208</sup> Ibid 206

message to the world that one is Dinka. Members that choose not to permanently scar themselves can face discrimination since they're considered to have abandoned their traditions. Some people are hesitant to even recognise Riek Machar because he hasn't undergone scarring.”<sup>209</sup>

The AU Commission in the course of its investigations used tribal marks to identify the ethnicities of the corpses.<sup>210</sup> A female community member interviewed by the AU Commission stated “*You see the marks on my face; they mark me as a Nuer woman.*”<sup>211</sup> A member of the National Liberation Council of S.Sudan interviewed by the AU Commission stated,

*“Everybody with scars like this man was to be killed. If he does not have any scars on his face like me, they will ask him to speak Dinka language. If you don't speak Dinka language, you are shot down. Even the Dinkas who had the scars were also killed because they thought they were Nuer.”*

As per the UNMISS Report, in many cases, it was reported that members of the security forces bore identifying facial marks specific to the Dinka ethnicity.<sup>212</sup> An OHCHR Report states that when government forces retook Bentiu and Rubkona towns, they killed Nuer civilians and captives using facial scars as an identifier.<sup>213</sup> The Report further documents that during the December 2013 killings in Juba, security forces identified Nuer through their facial scars.<sup>214</sup>

### 2.4.3 DISCRIMINATION

A dominant group uses the law, customs or political power to deny the rights of other groups.<sup>215</sup> Groups with less power, access, privilege, and wealth often differ in ethnicity, race, or religion from those with the above attributes. Demands by “the lesser groups” for greater rights or greater participation in society tend to be resisted by the more powerful. In this resistance, either group may initiate violence.<sup>216</sup>

---

<sup>209</sup> Taylor W. Anderson, *Sudan Facial Scarification*, <https://sudanation.wordpress.com/2011/05/03/sudan-facial-scarification/> accessed on 29/5/2016 at 17.20

<sup>210</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Para 865, Page 150, Para 506, <http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed on 18/6/16 at 12.49

<sup>211</sup> *Ibid* 210, Page 185, Para 622, accessed 18/6/16 at 12.52

<sup>212</sup> *Supra* 197, Page 19, Para 59

<sup>213</sup> *Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 36, Para 152

<sup>214</sup> *Ibid* 213, Page 35, Para 145

<sup>215</sup> Gregory H. Stanton, *The Ten Stages of Genocide* presented as a briefing paper, “The Eight Stages of Genocide” at the US State Department in 1996, Para 4 <http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed 7/6/2016 at 13.12

<sup>216</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing*, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 826, Para 3

During the times preceding the Jewish genocide in Germany, Jews were excluded from the public service. They were also forbidden from practising professions in which traditionally they had been well represented like medicine and law among others. They were also banned from certain places like public buildings and public transport.<sup>217</sup> Prior to the 1994 Rwandan genocide, the Tutsi were denied their social rights and excluded from public functions and public life, including economic, cultural and artistic life.<sup>218</sup> Tutsis were entitled only to subordinate positions in public functions.<sup>219</sup>

In S.Sudan, from the 1970s, a “Dinkacracy” emerged. The Dinka domination during the revolution war led to divisions amongst the southern ethnicities.<sup>220</sup> The ruling SPLM after the January 2011 referendum that led to S.Sudan’s, statehood has maintained monopoly over power inspired by a “winner takes it all” approach. There’s awareness among the S.Sudanese that the SPLM government represents Dinka hegemony. The Dinka are seen as the new oppressors. George Athor, leader of an armed rebellion against the SPLM government stated

*“We must ensure that all S.Sudanese are equal irrespective of tribe, there’s no equality among southerners under SPLM rule, which is dominated by the Dinka.”*<sup>221</sup>

Respondents interviewed by the AU Commission corroborated exclusion and marginalisation manifested in what they referred to as the “tribalisation or ethnicisation of the state”. Exclusion based on ethnicity has created an environment of hatred and distrust thereby deepening divides and creating tensions and ethnic rivalries over power.<sup>222</sup> Respondents also cited a sense of entitlement held by the “freedom fighters”. A respondent stated

---

<http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf>  
accessed 7/6/2016 at 20.00

<sup>217</sup> Supra 199`, Page 49, Para 2

<sup>218</sup> A. Mugesera, *Imibereho y’abatutsi kuri repubulika ya mbere n’iya kabiri* (1959^1990) (Kigali: Les editions rwandaïses, 2004), 296 ff. (Approximate translation of the title: *The Status of the Tutsi during the First and the Second Republic*)

<sup>219</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 831, Para 2

<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>

<sup>220</sup> Emmanuel Salliot, *Establishment of a “Dinkacracy” and schisms within the rebel movement, A Review of Past Security Events in the Sahel 1967 – 2007*, Page 54, Para 2

<https://www.oecd.org/swac/publications/47092939.pdf> accessed on 29/5/2016 at 13.19

<sup>221</sup> *The perception of a Dinka-dominated SPLM and government, Juba: Fears of Dinka domination drive rebel action and threaten long-term stability*, <http://www.sidint.net/content/juba-fears-dinka-domination-drive-rebel-action-and-threaten-long-term-stability> accessed on 29/5/2016 at 13.30

<sup>222</sup> AU, Final Report of the AU Commission of Inquiry on South Sudan, 2014, Para 865, Page 240, <http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed on 29/5/2016 at 18.41

*“There’s this kind of expression that we fought and you didn’t fight. This has created the differences amongst the South Sudanese...”*<sup>223</sup>

Respondents in the AU interviews also raised the issue of “tribalisation or ethnicisation of the state” as a major schism and trigger of inter-ethnic conflict. It was further reported that exclusion based on ethnicity “has created an environment of hatred and distrust thereby deepening divides and creating tensions and ethnic rivalries over power.”<sup>224</sup>

The *UN Special Adviser on the Prevention of Genocide* stated that in Bor, IDPs reported that they had been denied access to medical care by government officials because they are Nuer.<sup>225</sup> The OHCHR Report documents the existence of economic and political marginalisation of people and places outside of the capital Juba and argues that this played a role in the December 2013 civil war.<sup>226</sup>

#### 2.4.4 DEHUMANISATION

This is perhaps the most critical element in the precipitation of genocide. It has the potential of leading straight to genocide. It isn’t possible to exterminate a significant proportion of a population without considering the reactions of the rest of the population. In order to avoid immense and widespread emotional reactions, the majority of the population must be turned into indifferent witnesses, accomplices, or agents of the massacre. This is one of the purposes that dehumanisation serves.<sup>227</sup> *Lecomte* makes a direct connection between Dehumanisation and Mass Extermination in the Jewish genocide. He formulates the process as follows;

1. *Definition*; Persons are categorised as so radically different that they have to be exterminated. 2. *Registration*; since in most instances, the pariah group aren’t distinctively different from the mainstream population, they are earmarked. Their names and addresses are documented for location at the appropriate time. 3. *Designation*; This entails making the pariah group physically stand out. In the case of the Jews, the Jews were coerced into wearing an identifiable mark, to enable the population to literally

---

<sup>223</sup> Supra 222, Para 866, Page 241 accessed 7/6/2016 at 13.05

<sup>224</sup> Supra 222, Page 140, Para 865 accessed 19/6/16 at 13.17

<sup>225</sup> Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, Meeting of the Security Council on the situation in South Sudan, Page 2, Para 9, <http://www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20Council%20on%20South%20Sudan.pdf> accessed 9/6/2016 at 7.09

<sup>226</sup> Supra 213, Page 19, Para 65, accessed 18/6/16 at 17.40

<sup>227</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century*, Council of Europe, Council of Europe Publishing, Strasbourg, Page 47, Para 1 [http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf) accessed 18/6/16 at 19.48

“see” the Jews so that the propaganda references stigmatising them as an “inferior race” could take a physical form. 4. *Restriction and Confiscation*; this involves the dispossession of the pariah group of their property and valuables. 5. *Exclusion*; the pariah group is discriminated against. This may be through barring them from employment or geographically, limiting their access to certain places. 6. *Systematic Isolation*; This may be through internment in labour camps, concentration camps or slums. 7. *Mass Extermination*; This may be through mass killing or systematically making the life conditions of the pariah group deadly. The atrocious impact of dehumanisation is clearly revealed during the “mobile killing operations” that resulted in the deaths of hundreds of thousands of Jews and “political commissars” conducted by the *Einsatzgruppen*. (Reservists and auxiliaries recruited by the Nazi in the occupied countries) They were not necessarily Nazis, nor were they necessarily perverted and sadistic monsters; they were just ordinary people led to such acts by the influence of the dehumanisation. The people that they killed had been dehumanised. Lecomte concludes that extermination is the last phase of dehumanisation.<sup>228</sup>

According to *Stanton*, during *Dehumanisation*, the 3<sup>rd</sup> Stage of Genocide in his model,<sup>229</sup> a group denies the humanity of another group. Members of the pariah group are equated to animals or vermin. In Rwanda, the Tutsis were referred to as cockroaches. He argues that dehumanisation overcomes the normal human revulsion to murder. He also states that hate propaganda is used to vilify the victim group.<sup>230</sup>

*Staub* argues that people who harm others have to justify their actions. They hence devalue their victims. They get accustomed to discrimination and violence against them. The perpetrators invoke “just world thinking”, that the world is a just place and those who suffer deserve their suffering. Increasing devaluation leads to moral exclusion, the exclusion of the victimised group from the moral realm i.e. from the realm of people to whom moral values and standards apply. A final step may involve the reversal of morality where killing members of the pariah group becomes the right thing.<sup>231</sup>

*Levi Primo* argues that the sad logic of dehumanisation and violence is that people are dehumanised in order to make the using violence against them easier, but the violence itself further dehumanises the victims. During the Holocaust, the Jews were not only dehumanised by Nazi ideology but also by their treatment. They were singled out,

---

<sup>228</sup> Supra 227, Pages 47-50, accessed 19/6/16 at 11.24

<sup>229</sup> Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, “*The Eight Stages of Genocide*” at the US State Department in 1996, Para 5  
<http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed on 7/6/2016 at 18.37

<sup>230</sup> Ibid 229, Para 5

<sup>231</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing*, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 828, Para 1  
<http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 7/6/2016 at 18.44



rounded up and taken to concentration and death camps in appalling circumstances and held their under gruesome conditions.<sup>232</sup>

The persons subjected to dehumanisation are hence stripped of their identity, personality and humanity, which made killing them a lot easier.<sup>233</sup>

Hate propaganda which according to *Stanton* is used for the vilification of the pariah group and contributing to dehumanisation is rife in S.Sudan. The AU Commission stated that the media has played a negative role in the conflict through the spread of hate messages and inciting violence thereby facilitating violations of human rights and crimes.<sup>234</sup> The *UN Special Adviser on the Prevention of Genocide* raises as a serious concern the reported use of radio in some areas to spread messages constituting incitement to violence against all those perceived to support the government. It was reported that in Bentiu, fighters allied to Dr. Riek Machar incited the civilian population to attack the Dinka, even encouraging the masses to commit acts of sexual violence against women<sup>235</sup>

The Dinka people consider themselves the “perfect race.” They call themselves “mony-jang”, meaning “men of men”.<sup>236</sup> Francis Deng (himself a Dinka) explains that in their worldview, the Dinka represent the standard of what’s ideally human and best. They believe others may have superior technology or great wealth in monetary terms, but considering everything, Dinkaland is the most beautiful, the Dinka race; the perfect example of creation and Dinka ways the best models of dignity.<sup>237</sup> This may bear some similarities with the mental disposition of the Nazis who considered the Aryan race to which they belonged as the perfect race and used this as a justification for the extermination of the “inferior races” in order to create a “perfect society” populated by a “perfect race”. Although the Dinka may not harbour the *dolus specialis* of the Nazi to exterminate all “imperfect” people, it’s conceivable that they perceive Non Dinkas as less human in comparison to fellow Dinkas. Such a mind-set may exclude Non Dinkas

---

<sup>232</sup> Levi Primo, *If this is a man*, 1947, Abacus, London / Alette Smeulers, Fred Grunfeld, *Bystanders , International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 192, Para 1

<sup>233</sup> Alette Smeulers, Fred Grunfeld, *Bystanders , International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 192, Para 1

<sup>234</sup> AU, Final Report of the AU Commission of Inquiry on S.Sudan, 2014, Paras 732

<http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed on 19/6/16 at 11.46 , Page 295, Para 1116

<sup>235</sup> Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, Meeting of the Security Council on the situation in South Sudan, Page 2, Para 1, <http://www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20Council%20on%20South%20Sudan.pdf> accessed 9/6/2016 at 7.09

<sup>236</sup> Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan, and Rwanda*, Routledge, New York, 2001, Page 221

<sup>237</sup> Francis Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan*, Yale University Press, New Haven, 1978, Page 70

from the moral realm of the Dinka. This can plausibly be a basis for inflicting harm on them without any moral hindrances. *Staub* highlights such a mental disposition as fundamental element in Dehumanisation stage of genocide.

*Staub* further warns that getting accustomed to violence against a particular group contributes significantly to the dehumanisation of such a group. The AU Commission documents a long history of inter-ethnic conflicts in the recent past especially during the 55 year old civil war. Respondents cited various events and issues related to the civil war that would have to be on the reconciliation agenda, and that must be made subject of inquiry and dialogue. These include; conflicts related to the formation and emergence of SPLA/M as a dominant liberation force, killing of young recruits in 1983, SPLA v Anyanya II; The SPLA/M Split (1991) and related conflicts, including “Bor Massacre”.<sup>238</sup> Of all the inter-ethnic clashes during the civil war, the infamous “Bor massacre” stands out.<sup>239</sup>

#### 2.4.5 ORGANISATION

This is the 5<sup>th</sup> stage of genocide according to *Stanton*'s model. He asserts that genocide is always organised, usually by the state, often using militias to provide deniability of state responsibility. He argues that in some instances, organisation is informal or decentralised (terrorist groups).<sup>240</sup> *Staub* adds that in a pluralist authoritarian state, mass violence is possible against people who may be members of various groups but are regarded as political opponents or enemies.<sup>241</sup> Overly, strong respect for authority in a society makes it difficult for people to deal with instigating conditions. Accustomed to being led, people are likely to turn to leaders and ideological groups. They're also likely to follow direct orders to engage in violence.<sup>242</sup>

The classic case for organised genocide is the Holocaust. Major state actors were central in it; the ministerial bureaucracy, the armed forces, industry, and the National Socialist Party. State cooperation was so great that *Hilberg* concludes: “*We may truly speak of their fusion into a machinery for destruction.*”<sup>243</sup> Even in place was a ministry of

---

<sup>238</sup> AU, Final Report of the AU Commission of Inquiry on S.Sudan, 2014, Page 273, Para 855  
<http://www.peaceau.org/uploads/auaiss.final.report.pdf> accessed on 19/6/2016 at 13.55

<sup>239</sup> Supra 75, Supra 76

<sup>240</sup> Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, “*The Eight Stages of Genocide*” at the US State Department in 1996, Para 6  
<http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed on 30/5/2016 at 12.06

<sup>241</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing*, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 289, Para 5  
<http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 7/6/2016 at 17.43

<sup>242</sup> Ibid 141, Page 289, Para 4 accessed 7/6/16 at 16.05

<sup>243</sup> Raul Hilberg, Review by: Harvey Rich, *The Destruction of the European Jews*, The Canadian Journal of Sociology Vol. 12, No. 4 (Winter, 1987), Page 398, Para 2

propaganda whose mandate was to generate intense hatred for Jews in the population at large.<sup>244</sup>

In the organisation of the 1994 Rwandan genocide, the extermination of the Tutsis was spearheaded by a government backed militia, the *Interahamwe*. They were the direct perpetrators and manned road blocks to ensure that Tutsi didn't escape. They were supervised by the political and administrative leaders from all different levels. The militia was mobilised and coordinated through the radio stations. They were reinforced by the army.<sup>245</sup>

There's a plethora of heavily armed militias in S.Sudan whose existence and guns are majorly attributable to the 55 year old South Sudanese liberation war, the agro-pastoralist lifestyle of the majority S.Sudanese and the influence of the Sudanese government. Militias are formed along ethnic lines to protect communities from external threats and to defend the community's property and livestock. The Nuer, have the *jiech mabor* or *white army*, The Dinka, *Gulweng*, The Otuho, *Monyimiji* the Azande, *Arrow boys*, the Bor Dinka, *Bor Panda Youth*. These groups are supposed to be defensive; they lack ideology or long term objectives. The nucleic role of cattle in the lives of the majority S.Sudanese necessitates the training of young men in the use of guns in order to safeguard the livelihood of the societies.<sup>246</sup>

In the 1990s, modern guns flooded into the country from the Government of Sudan (GoS) after a schism within the SPLA over ideological and ethnic differences. The splinter cell under Machar allegedly received approximately 10,000 guns from the Sudan Armed Forces. (SAF) The GoS has since then continued to arm militias in S.Sudan in the promotion of its own interests. The potential for ethnic militias wreaking havoc was well displayed during the 1991 Bor massacre. The Nasir Faction that conducted the devastating attack against Dinka civilians comprised predominantly of the *white army* (an ethnic Nuer militia).<sup>247</sup>

An OHCHR Report acknowledges that militias in S.Sudan are often associated with specific ethnic communities and further states that the militias don't necessarily fight for the interests of the ethnic communities.<sup>248</sup> The OHCHR Report further documents that since the outbreak of violence in December 2013, both the government forces (SPLA)

---

[http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page_scan_tab_contents) accessed 18/6/16 at 16.45

<sup>244</sup> Supra 243, Page 399, Para 1 accessed 19/6/16 at 15.31

<sup>245</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 836, Para 1

<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 18/6/16

<sup>246</sup> Mayank Bubna, South Sudan's Militias, [www.enoughproject.org/files/SouthSudanReport.pdf](http://www.enoughproject.org/files/SouthSudanReport.pdf), Page 6, Para 2 accessed 30/5/2016 at 12.28

<sup>247</sup> Ibid 246, Page 10, Para 1 accessed 19/6/16 at 16.47

<sup>248</sup> Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings 10/3/16, Page 23, Para 83, <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 19/6/16 at 16.33

and the rebel forces (SPLM-IO) operated alongside allied militias when killing civilians, raping women and girls, pillaging and destroying civilian property. The Report also states that both sides alongside their respective militias targeted places of refuge, including churches, hospitals, and UN bases.<sup>249</sup>

#### 2.4.6 POLARISATION

This is the 6<sup>th</sup> Stage of Genocide according to *Stanton*. He argues that at this stage, extremists drive the groups apart. Hate groups broadcast polarising propaganda. Laws may forbid intermarriage or social interaction. Extremist terrorism targets moderates, intimidating and silencing the centre. Lastly, the moderates from the perpetrators' own group are the first to be arrested or killed.<sup>250</sup> *Staub* elaborates further; 2 groups may develop intense hostility towards each other to the extent of perceiving each other as enemies. This raises the likelihood of intense violence.<sup>251</sup> Conflicts between groups especially identity groups, is an instigating condition or starting point of genocide especially as it becomes persistent.<sup>252</sup> He states that there could also be a reversal of morality where it becomes acceptable to kill a person from a particular group, and this is usually is the mental predisposition that precedes mass violence.<sup>253</sup>

The extreme of aggravating and polarising violence is reached when violence blindly attacks men, women and children engaged in innocent pursuits; when it kills and mutilates in total disregard for position or direct involvement in the struggle, identifying its victims solely as members of the opposing group. At this point, the prospects for the middle ground by the moderates bent on reform are often weaker than the inevitability of escalations of the polarisation of violence.<sup>254</sup>

*Leo Kuper* formulated a cycle for the development of polarisation between groups. He specifies 4 key phases in the process of polarisation; (1) *the geographical extension of violence* (2) *the aggregation of persons into clearly demarcated and mutually hostile racial or ethnic groupings, through the establishment of principles of collective guilt and collective responsibility* (3) *the routinisation of violence* and finally (4) *the*

---

<sup>249</sup> Supra 248, Page 6, Para 1

<sup>250</sup> Supra 240, Para 7

<sup>251</sup> Supra 241, Page 829

<sup>252</sup> Supra 241, Page 826, Para 2

<sup>253</sup> Supra 241, Page 828, Para 1

<sup>254</sup> Samuel Totten, Steven Leonard Jacobs, *Pioneers of Genocide Studies*, Transaction Publishers, New Jersey, 2002, Page 278, Paras 2,3

[https://books.google.nl/books?id=mMzM5Q2Mxv8C&pg=PA278&lpg=PA278&dq=process+of+polarisation+leo+kuper&source=bl&ots=hCeevj7nT5&sig=6frWgW3wAw9adOM\\_ONiDbP5NCQg&hl=en&sa=X&ved=0ahUKEwj687z8x7TNAhVJuRQKHR51BxkQ6AEILDAD#v=onepage&q=process%20of%20polarisation%20leo%20kuper&f=false](https://books.google.nl/books?id=mMzM5Q2Mxv8C&pg=PA278&lpg=PA278&dq=process+of+polarisation+leo+kuper&source=bl&ots=hCeevj7nT5&sig=6frWgW3wAw9adOM_ONiDbP5NCQg&hl=en&sa=X&ved=0ahUKEwj687z8x7TNAhVJuRQKHR51BxkQ6AEILDAD#v=onepage&q=process%20of%20polarisation%20leo%20kuper&f=false) accessed 19/6/16 at 19.31

*escalation of reciprocal violence through a spiral of actions and counteractions.*<sup>255</sup>

Upon the completion of this polarisation process, the society is effectively polarised. In the case of the Rwandan genocide, previous violence in Rwanda had been countrywide. Significant among these were the 1<sup>st</sup> genocide termed as the Hutu Revolution (1959-1961)<sup>256</sup> and the violence that broke out in the aftermath of the trigger event, (the crash of the presidential jet) spanned the entire country.<sup>257</sup> The identity cards clearly aggregated the population into Hutu and Tutsi.<sup>258</sup> The Hutu collectively blamed the Tutsi for their oppression especially during the colonial era.<sup>259</sup> Violence has been routinised. Ethnic clashes erupted during the Hutu Revolution of 1959- 1961. Tutsi refugees in Tanzania and Zaire seeking to regain their former positions in Rwanda began staging attacks on Hutu targets. This was followed by retaliatory killings of large numbers of Tutsi civilians in Rwanda. In 1990, the RPF launched a major attack on Rwanda from Uganda. By this point, the cycle of polarisation was complete hence explaining the brutality of violence that culminated into the 1994 genocide after a trigger.

To portray the Dinka- Nuer polarisation, the author highlights how the Nuer and Dinka ethnicities, previously mutable, have become immutable, show the erosion of ethical codes that restricted brutal intra and inter-ethnic violence and reveal how children and women became legitimate targets during conflict. Lastly, the author examines pre historic Nuer- Dinka polarisation. The author analyses the polarisation between the Dinka and Nuer in S.Sudan whilst relying heavily on the work of *Prof. Sharon Elaine Hutchinson*<sup>260</sup>.

The Nuer and Dinka have different understandings of the socio-physical bases of their ethnic identities. What underwrote the Nuer dramatic expansion during the 19th century was their assimilation of other ethnicities. What made someone “Nuer” in their eyes was primarily how a person behaved, language skills, love of cattle and co-residence. Past and present generations of Nuer tended to view ethnicity and distinctions in more “performative” terms.<sup>261</sup>

---

<sup>255</sup> Ruth Milkman, *American Journal of Sociology*, Vol. 85, No. 5 (Mar., 1980), pp. 1306-1308, The University of Chicago Press, Page 1307, Para 3, [http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/pdf/2778927.pdf?\\_=1466351345964](http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/pdf/2778927.pdf?_=1466351345964) accessed 19/6/16 at 20.06

<sup>256</sup> *Ethnic Conflict Begins*, Para 3, <http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml> accessed 19/6/16 at 19.44

<sup>257</sup> *Supra* 245, Page 835, Para 4

<sup>258</sup> *Supra* 245, Page 825, Para 1 accessed 19/6/16 at 18.47

<sup>259</sup> *Supra* 245, Page 824, Para 4 accessed 19/6/16 at 19.47

<sup>260</sup> Professor of Anthropology and Director of the African Studies Program, University of Wisconsin-Madison She has been conducting periodic ethnographic research in Sudan for more than a quarter century. <http://www.uib.no/en/node/42020> accessed 2/7/16 at 15.10

<sup>261</sup> Gough Kathleen, *Nuer kinship: A Re-examination*. In *The translation of culture: Essays to E.E. Evans- Pritchard*. T.O. Beidelman (Ed), Tavistock Publications, London, 1971, Pages 79-121

Contemporary Dinka, in contrast, tended to stress the overwhelming importance of “human blood lines” in determining who was a ‘Dinka’ or not. The “primordialist” thrust of contemporary Dinka concepts of their ethnic affinity makes “sense” when viewed through their 19th century experiences. Many were under pressure to become Nuer. And thus, a way the Dinka could resist the grasp of the Nuer was to exalt the connection between bloodlines and ethnicity.

Local ethical codes of intra and inter- ethnic warfare began unravelling during the revolution war. Southern military leaders sought to undercut the significance of ethnic differences among their recruits. This was done among other reasons; to arrest the possibility of ethnic conflicts within their ranks, to inspire Southern unity and ensure an effective chain of command. Since S.Sudanese were forcibly drafted by the Khartoum government and SPLA, members of the same ethnicity were often forced to kill each other. Consequently, the SPLA commanders to ensure that their troops unconditionally executed their orders, even when it required the killing of their own kin and kith started dismantling earlier ethnic, cultural, moral and ethical restraints on intra-ethnic violence and fundamental elements of the ethical codes of warfare respected by both Nuer and Dinka since time immemorial.<sup>262</sup>

Since both the Dinka and Nuer are patriarchal, women had a more ambiguous position at the crossroads of ethnic distinctions, affording them a certain degree of protection and mobility at the start of this war.<sup>263</sup> Before the widespread dissemination of guns by the SPLA, Nuer women often accompanied their male relatives into battle to protect them and carry the wounded away. A woman could protect a man who had fallen in battle by throwing herself over him confident that enemy warriors wouldn’t dislodge her to “finish him off.”<sup>264</sup> However, following the widespread introduction of guns and fighting techniques targeting entire cattle camps and civilian villages by the SPLA, unarmed Nuer and Dinka women and children were thrown willy-nilly onto the front lines. Women and children gradually became legitimate targets of ethnic annihilation.<sup>265</sup>

The spiral of Nuer/Dinka ‘vengeance’ attacks soon spun out of control necessitating major reformulations of the presumed socio-physical roots of ethnic affiliations, particularly among Nuer combatants. The possibility of crossing ethnic lines was thus lost in the fury of “revenge attacks”.

In addition to the above, there’s evidence of pre- civil war polarisation between the Dinka and Nuer. A centuries’ old folklore suggests that the Dinka and Nuer are cursed to forever settle their differences through fighting. It narrates as follows; Dinka and

---

<sup>262</sup> Sharon Elaine Hutchinson, *Nuer Ethnicity Militarised*, Anthropology Today Vol.16 No 3, June 2000, Page 10, Para 2

<https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf> accessed 20/6/16 at 11.02

<sup>263</sup> Ibid 262, Page 10, Paras 6,7

<sup>264</sup> Ibid 262, Page 11, Para 1

<sup>265</sup> Ibid 262, Page 11, Para 2

Nuer were 2 brothers living together with their father. One day, he explained to them that since they were old enough to go their separate ways, he would bequeath his two cattle onto them. Nuer would get the cow while Dinka would get the bull. Each was to leave the father's house the next day. Dinka felt the father had favoured Nuer because cow would produce more cows unlike his bull. Cunningly, he arose first and left with the cow. The father then gave Nuer authority to repossess the stolen cow through force.<sup>266</sup>

#### 2.4.7 PREPARATION

This is the 7<sup>th</sup> Stage of Genocide as per *Stanton's* model. He argues that at this stage the perpetrator group leaders plan the extermination. He asserts that euphemisms are often used to cloak the intentions of the perpetrators through terms like "ethnic cleansing," "purification," "counterterrorism." The perpetrators build armies, buy weapons and train their troops and militias. They indoctrinate the populace with fear of the victim group. Leaders may claim that "if we don't kill them, they will kill us"<sup>267</sup> *Ervin Staub* argues that in the evolution of destructiveness, groups may create destructive ideologies as a precursor to the destruction of a group of people.<sup>268</sup>

The 1994 Rwandan genocide is relevant for an understanding of preparation for genocide. Weapons are the nucleus of the aforementioned preparations. The type of weapons and quantity determine the scope of the genocide. With nearly 800,000 deaths, it's clear that the Hutus had their hands on multiple weapons. An early 1994 Human Rights Watch Report on Rwanda noted that the country was being flooded with weapons. Over 2000 assault rifles were distributed to civilians under the disguise of self-defence. However, the most common weapon during the genocide was the machete. Rwanda one of the world's poorest countries then, was one of the largest importers of weapons, expending around \$112 million.<sup>269</sup>

---

<sup>266</sup> Thon Agany Ayiei, *Understanding the Tribal, Political and Economic Aspects of the current South Sudan civil war and their complications in achieving a peaceful, lasting solution*, The New Sudan Vision, Para 14, <http://www.newsudanvision.com/sudan-news-stories-publisher/2813-understanding-the-tribal-political-and-economic-aspects-of-the-current-south-sudan-civil-war-and-their-complications-in-achieving-a-peaceful-lasting-solution> accessed on 27/4/2016 at 21.40

<sup>267</sup> Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, "*The 8 Stages of Genocide*" at the US State Department in 1996, Para 8 <http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed 30/5/2016 at 16.10

<sup>268</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing*, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 827, Para 4 <http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 20/6/16 at 15.44

<sup>269</sup> *Preparation, Rwanda Genocide*, <http://rwandagenocideshs13.weebly.com/preparation.html> accessed 20/6/16 at 16.00

Key also in the preparation of the genocide was the use of Ideology, manipulated to make the Hutu fear and hate Tutsi. Part of the propaganda was that Tutsis were foreigners in Rwanda and posed an existential threat to the Hutu.<sup>270</sup>

When one juxtaposes the preparation stage in Rwanda with the dynamics in S.Sudan, it's arguable that the *Preparation* stage is in advanced stages in S.Sudan. Following the 55 years of civil war, the country is awash with modern automatic rifles (AK47s) in the hands of civilians and militias. The AU Commission Report documents a senior SPLM official stating that among the core reasons for insecurity in S.Sudan is the proliferation of small arms amongst the entire population;

*“The CPA provided for community disarmament that didn't take place. So it's like every household has a gun or 2 and this is more profound in the 3 States that are experiencing the problem now (the post December 2013 civil war) so, literally every civilian has one, 2or3 arms.”*<sup>271</sup>

An OHCHR Report notes as one of the biggest failures of the S.Sudanese government is its failure to disarm civilians. A 2008 Presidential Order requiring the SPLA and state governments to carry out disarmament of civilians across the country also achieved little.<sup>272</sup>

A fundamental factor in the proliferation of arms into S.Sudan is the role of Khartoum or the Government of Sudan. (GOS) It's widely acknowledged that the North fuels the South's internal strife and obstructs the South's peace. It also discredits the government of the Republic of S.Sudan. The North offers material and financial assistance to dissident elements. Most militia leaders live in Khartoum. For those in S.Sudan, the North periodically sends provisions and encouragement to maintain ties according to S.Sudan officials.<sup>273</sup>

The AU Report states that among the issues that could potentially inflame inter-ethnic conflict in S.Sudan are Khartoum's counterinsurgency policy and the prevalence of militias in S.Sudan.<sup>274</sup>

Noteworthy as regards the *Preparation* stage is the ideology and propaganda amongst the Nuer. The Nuer religion is embedded with a prophecy about a prophet who'll

---

<sup>270</sup> *Genocide: Ideology and Organisation, The Rwandan Genocide: How It Was Prepared*, April 2016, <https://www.hrw.org/legacy/background/africa/rwanda0406/4.htm> accessed 20/6/16 at 16.12

<sup>271</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Page 66 Para 202, <http://www.peaceau.org/uploads/auciss.final.report.pdf>

<sup>272</sup> *Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 24, Para 88, <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 20/6/16 at 16.41

<sup>273</sup> Mayank Bubna, *South Sudan's Militias*, Page 10-11

[www.enoughproject.org/files/SouthSudanReport.pdf](http://www.enoughproject.org/files/SouthSudanReport.pdf) accessed 20/6/16 at 17.13

<sup>274</sup> *Ibid* 271, Page 237, Para 855



liberate the Nuer people. A series of such prophets have emerged.<sup>275</sup> They were revered.<sup>276</sup> *Evans-Pritchard* states, “What the prophet says and what the spirit says are all mixed up together, the 2 being interspersed together in such a manner that they are inseparable.”<sup>277</sup>

A Nuer religious prophesy holds that a fierce battle will occur between the Nuer and the Dinka, with the latter being annihilated. The messiah who’ll lead the Nuer in this battle will come from the village of Nassir.<sup>278</sup> Other sources describe the messiah as being left-handed and unmarked,<sup>279</sup> gap-toothed<sup>280</sup> and that he would marry a white woman.<sup>281</sup> With his headquarters in Nassir, Riek Machar fits the profile hand in glove. He is left handed and unmarked.<sup>282</sup> At one time, he had a British wife, aid worker, Emma McCune, a Caucasian. It was also prophesied that the Sudan would split. A heavily bearded man would relinquish power to a left handed Nuer. That heavily bearded man matches President Kiir.<sup>283</sup> Although Machar denies the messiah label, he hasn’t dispelled the fable.<sup>284</sup>

Studies show that the *white army* heavily rely on the interpretations and instructions of their prophets.<sup>285</sup> Nuer leaders used similar ideologies and prophesy in 1991 to rally around 30,000 Nuer youth that comprised the *white army* that perpetrated the 1991 Bor massacre.<sup>286</sup> During the December 2013 conflict, it was reported,<sup>287</sup> that Nuer religious symbols and prophesies were used to once again rally the *white army* for war.<sup>288</sup>

Ideologies and political rhetoric from the government that promote the fear of Nuer are present. The OHCHR Report states that President Kiir’s speech to the National

---

<sup>275</sup> Lester Grabbe; *Priests, Prophets, Diviners, Sages*, Trinity Press International, 1995, Page 95

<sup>276</sup> John Mbiti, *African Religions and Philosophy*, Heinemann Publishers, London, 1990, Page 185

<sup>277</sup> Edward Evans-Pritchard, *Nuer Religion*, Clarendon Press, London 1956, Page 45

<sup>278</sup> Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan, and Rwanda*, Routledge, New York, 2001, Page 223

<sup>279</sup> Deborah Scroggins, *Emma’s War*, Pantheon Books, New York, 2002, Page 199

<sup>280</sup> Jacob Chol, *The White Army and mythology in South Sudan Political Violence*, 17/4/2016, Para 9 <http://www.sudantribune.com/spip.php?article58655> accessed on 30/5/2016 at 18.27

<sup>281</sup> Brian Adeba, *Making Sense of the White Army’s Return in South Sudan*, No. 1 / February 2015, Page 10, Para 3, <http://www.ssresourcecentre.org/wp-content/uploads/2015/02/CSG-Paper-1-Adeba-Feb-2015.pdf> accessed on 30/5/2016 at 17.30

<sup>282</sup> Scroggins, *Emma’s War*, 1999. This refers to the horizontal markings on the foreheads of adult Nuer men, which symbolises their initiation into manhood.

<sup>283</sup> Machel Amos, *Left handed Nuer, Is S. Sudan crisis a make of its prophets?*, Nation Media Group, Kenya, 10/1/2014, <http://www.africareview.com/Blogs/Is-South-Sudan-crisis-a-make-of-its-prophets/-/979192/2141360/-/e7v23a/-/index.html> accessed on 30/5/2016 at 19.42

<sup>284</sup> Scott Peterson, *Me Against My Brother: At War in Somalia, Sudan, and Rwanda*, Routledge, New York, 2001, Page 223

<sup>285</sup> Ibid 280, Para 8 accessed on 30/5/2016 at 19.44

<sup>286</sup> Ibid 281, Page 10, Para 5, accessed on 30/5/2016 at 18.49

<sup>287</sup> YouTube, “Saving South Sudan Part 2/3,” 20 May 2014, 6:32, <http://www.youtube.com/watch?v=Lgs60UefGE>.

<sup>288</sup> Ibid 280, Para 10, accessed on 30/5/2016 at 19.20

Liberation Council in December 2013 invoking memories of the 1991 split appeared as one of the most compelling signs of the start of the crisis.<sup>289</sup>

#### 2.4.8 PERSECUTION

This is *Stanton's* 8<sup>th</sup> Stage of Genocide. He states at this stage, victims are identified and separated on ethnic or religious identity. Death lists are drawn. Members of victim groups may be forced to wear identifying symbols. Their property may be expropriated. Sometimes they are isolated in ghettos or concentration camps.<sup>290</sup> Among the countless forms of persecution that Jews faced, *Hilberg* highlights discriminatory legislation,<sup>291</sup> dismissal from jobs, and confiscation of property. All these were geared towards coercing the Jews to emigrate from Germany.<sup>292</sup> *Lecomte* discusses the persecution of the Roma (Gypsies) during the Holocaust. In 1933, the Roma were deemed “second-class citizens” in Germany. In 1938, the Nazi government applied a “racial” classification, categorising them as *Untermenschen*. (Lesser beings) This triggered the same spiral of consequences suffered by Jews. In 1941, they were sent to concentration camps. The Gypsy children in Auschwitz constituted a pool of subjects for scientific experiments.<sup>293</sup>

Persecution of the Tutsis in Rwanda preceded their mass exterminations. The late 1950s ushered a period during which measures were implemented to dispossess the Tutsi of their property and deprive them of economic and social rights.<sup>294</sup> The new political leaders of the country distributed amongst themselves the Tutsi possessions; lands, cows, furniture and real estate. The Minister of Agriculture and Livestock in 1964 created the modalities of the partition.<sup>295</sup> From the 1950s onwards, measures for deportation and forced emigration effectively condemned the Tutsi into exile.<sup>296</sup> The issue was brought before the UN in 1960.<sup>297</sup> Prior to the 1994 genocide, the Tutsi within

---

<sup>289</sup> Supra 272, Page 26, Para 101

<sup>290</sup> Supra 267, Para 8

<sup>291</sup> Raul Hilberg, Review by: Harvey Rich, *The Destruction of the European Jews*, The Canadian Journal of Sociology Vol. 12, No. 4 (Winter, 1987), Page 401, Para 5  
[http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page_scan_tab_contents) accessed 18/6/16 at 16.45 Page 401, Para 5

<sup>292</sup> Ibid 291, Page 394, Para 3

<sup>293</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 825, Para 1  
<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html> Pages 42-43, accessed on 21/6/16 at 9.26

<sup>294</sup> A. Mugesera, *Imibereho y'abatutsi kuri repubulika ya mbere n'iya kabiri (1959^1990)* (Kigali: Les Editions Rwandaises, 2004), 87 ff. (Approximate translation of the title: *The Status of the Tutsi during the First and the Second Republic*)

<sup>295</sup> Ministry of Agriculture, P.D. Nkezabera, Letter no.0/770/11.c. of 6 August 1964, Ibid 233, Page 830, Para 3 accessed 21/6/16 at 9.58

<sup>296</sup> Supra 245, Page 832, Para 2

<sup>297</sup> Imvaho No. 33 of 28 February 1961. (Rwandan Government Published Newspaper) Supra 234, Page 833, Para 2 accessed 21/6/16 at 9.48

Rwanda were denied social rights and excluded from public functions and public life, including economic, cultural and artistic life.<sup>298</sup>

In S.Sudan, the *Persecution* stage of genocide is traceable in the *1991 Bor massacre* where over 2000 Dinka civilians were killed in cold blood. In some instances, Dinka children were roasted alive in open fire in front of their parents. Women and children were abducted and divided as war bounty. About 100,000 Dinka were displaced.<sup>299</sup> The UN corroborates the perpetration of the Bor massacre. A UNMISS Report documents that in “Bor massacre”, an estimated 2,000 Dinka civilians in Bor were killed by Nuer fighters from Machar’s SPLA-Nasir faction with the help of the *white army*<sup>300</sup>

The OHCHR Report states that the violations described in the report suggest a possible underlying objective to persecute members of an ethnic group associated with the opposition (Nuer) In addition, the attacks were perpetrated in an organised manner. Large numbers of SPLA, associated militia and state officials (county commissioners) allegedly displaced, killed, raped, destroyed and looted. Despite public reporting by UNMISS and Human Rights Watch on the violence, the government either tolerated or failed to take any action to protect the population or punish perpetrators, which suggests it may have been condoning and thereby possibly encouraging such violent acts.<sup>301</sup>

The AU Report stated that the Commission is of the opinion that it’s reasonable to believe that crimes such as persecutions on political grounds were committed against civilians in various parts of S. Sudan.<sup>302</sup>

#### 2.4.9 EXTERMINATION

According to *Stanton*’s model, this is the 9<sup>th</sup> Stage of Genocide. He argues that this begins and quickly becomes what’s legally called “genocide.” It’s “extermination” because the killers disregard their victims as fully human. When state sponsored, the armed forces may collaborate with militias in the killing. Sometimes the genocide results in revenge killings, creating a cycle of bilateral genocide.<sup>303</sup>

*Staub* adds that unhealed wounds from past victimisation have severe psychologically effects. The trauma is the lens through which the victimised group view the world. In the face of new conflict, such groups may feel have an intense impulse to protect themselves. They may engage in supposed necessary self-defence which could be the

---

<sup>298</sup> Supra 294, 296 ff

<sup>299</sup> Supra 75, Supra 76

<sup>300</sup> UN, United Nations Mission in the Republic of S.Sudan (UNMISS) : *Conflict in South Sudan: A Human Rights Report*, Page 14, Para 36, accessed 21/6/16 at 10.41  
<https://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>

<sup>301</sup> *Assessment Mission by the OHCHR to improve Human Rights, Accountability, Reconciliation and Capacity in S. Sudan: Detailed Findings* 10/3/16, Page 72, Para 322, <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 20/6/16 at 16.41

<sup>302</sup> Supra 271, Page298, Para 1134

<sup>303</sup> Supra 267, Para 10 accessed on 30/5/2016 at 23.55

perpetration of violence against others.<sup>304</sup> History of aggression in a society as a tool for resolving conflict makes violence a response to new conflict. Past violence increases the likelihood of renewed violence.<sup>305</sup>

The extermination of the respective pariah groups by the Nazi regime was sophisticated, bureaucratic and systematic. Some of the reasons for this were the regime wanting to hide its deeds and also conceal the destructive process from all outsiders.<sup>306</sup> Hilberg evaluates the extermination process through 5 stages. The 1<sup>st</sup> Stage was to shut off information from all those who didn't have to know. The 2<sup>nd</sup> Step was to ensure that whoever knew would participate. The 3<sup>rd</sup> was the prohibition of criticism. The 4<sup>th</sup> was to eliminate the destruction process as a subject of social conversation. The 5<sup>th</sup> was to omit the mention of killings and or killing installations even in secret correspondences in which such operations had to be reported.<sup>307</sup>

The initial acts of extermination in the Holocaust were through the *Einsatzgruppen*, paramilitary death squads engaged in “mobile killing operations” that killed hundreds of thousands.<sup>308</sup> However, it was too burdensome on the perpetrators. The Nazis then adopted an industrialised mechanism using special gas chambers for mass murder.<sup>309</sup>

In comparison to the Nazi Holocaust, the extermination of the Tutsis in the Rwandan genocide was arguably abrupt and haphazard. After the trigger event, (presidential assassination) the government effectively collapsed. *Theoneste Bagosora*, an old Colonel, and Hutu extremist took *de facto* charge of the country. The génocidaires adopted the following strategies to exterminate the Tutsis. (i) The launch of the genocide by the initiators that beforehand had plotted and organised the death squadrons (ii) the focus on the Tutsi as the target group after the elimination of Hutu moderates, key of whom was the *Prime Minister, Agathe Uwilingiyimana*; (iii) complete extermination of the Tutsi; (iv) impeding the escape of Tutsis by mounting roadblocks and conducting civilian and military nightly patrols throughout the country.<sup>310</sup>

In the case of S.Sudan, the evidence from the data shows that exterminations are a common occurrence. Some are arguably genocidal.

---

<sup>304</sup> *The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing*, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 830, Para 2 <http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf> accessed 7/6/2016 at 17.43

<sup>305</sup> Ibid 304, Page 830, Para 3

<sup>306</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century*, Council of Europe, Council of Europe Publishing, Page 187, Para3 [http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf) accessed 21/6/16 at 15.37

<sup>307</sup> Raul Hilberg, *The Destruction of European Jews*, Holmes and Meier, 1985, New York, Pages 170-172

<sup>308</sup> Ibid 306, Page 49

<sup>309</sup> Alette Smeulders, Fred Grunfeld, *Bystanders*, *International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 191

<sup>310</sup> Supra 293, Pages 835- 836

In light of *Staub's* assertion that trauma from unhealed wounds of past victimisation may lead a formerly victim group into perpetrating genocide in the name of self-defence. It's critical to make reference to the *1991 Bor massacre* yet again.<sup>311</sup> The Dinkas conceivably suffer unhealed wounds and trauma from this incident. An OHCHR Report when probing the events that led to the December 2013 civil war established that only days before the conflict, in the course of a political deadlock rooted in ethnicity, President Kiir (Dinka) invoked the memory of the 1991 Bor massacre. After this, Machar (Nuer) and his associates never returned for the political negotiations.<sup>312</sup> It's arguable that the targeted killings of the Nuer by the Dinka in Juba after the political deadlock were "defensive" acts. These killings triggered counter violence from the Nuer before the situation spiralled into an ethnic civil war.

The OHCHR Report further narrates the genesis of the last civil war as follows. On 15th December, shootings occurred in the garrison of the presidential guard in Juba, pitting Nuer and Dinka guards against each other. Violence spread into massacres across the town, reportedly carried out by government forces. The events prompted a mutiny largely led by Nuer army officers in Jonglei who controlled the state capital of Bor, 3 days of the fighting in Juba.<sup>313</sup> The OHCHR Report corroborates evidence that the Dinka drew first blood.

*Hilberg* emphasises that during extermination, the perpetrators endeavour to operate in secret. The OHCHR Report further documents that among the obstacles they encountered in making human rights assessment of the situation in S.Sudan following the December 2013 clashes was lack of meaningful cooperation from the government and its armed forces and the lack of access to conflict areas. Even more damning, the Report notes that since the beginning of the conflict, the warring parties prevented the peacekeeping forces of the UN (UNMISS) from moving freely around the country to protect civilians, despite a mandate from the Security Council to do so.<sup>314</sup>

The likelihood of a genocidal extermination is extractable from the statement of a S.Sudanese respondent interviewed by the AU Commission.

*"But I think it (the fighting among soldiers at the start of the conflict) went out of hand because we have grievances... we have issues, old wounds. I think with some soldiers, ... (the) opportunity came, you have the gun and you have (the) upper hand, you start doing things that even your boss didn't tell you, because most of these soldiers, all of them come from cattle camps, because the army is dominated by Nuer and Dinka and most of these soldiers have not gone to school, they were cattle camp keepers and they used to raid each other ... There was no opportunity given for the Nuer and the Dinka ... to reconcile the cattle camp differences, to reconcile the political differences ... So you find*

---

<sup>311</sup> Supra 75, Supra 76

<sup>312</sup> Supra 301, Page 25, Para 94

<sup>313</sup> Supra 301, Page 25, Para 95

<sup>314</sup> Supra 301, Page 7, Paras 8, 9

*these people will have memory of those days where Nuer came ready to his village and killed everybody ... and if that opportunity comes, he will just start killing. It is (an) opportunity for revenge.*<sup>315</sup>

To shed light on the recent exterminations that occurred after the December 2013 political crisis; The AU concluded that war crimes were committed by both the government and rebels led by Dr. Machar. In Bor, armed elements reportedly affiliated to the S.Sudanese government forced entry into the UNMISS camp and killed over 50 civilians, mostly Nuer and wounded around 100.<sup>316</sup>

According to a High Level UN Report, the attackers separated Dinka civilians from Nuer ones and then executed the Dinka and others perceived to support the government.<sup>317</sup> The AU Report also states that after the rebels captured Malakal, they killed Shilluk civilians at Malakal Hospital. In Bentiu, over 200 Dinka civilians were massacred and over 400 wounded, allegedly by forces allied to Machar.<sup>318</sup>

#### 2.4.10 DENIAL

This is the 10<sup>th</sup> and final stage of genocide as per *Stanton's* Model. He argues that denial follows genocide and lasts throughout and that it's a significant indicator of further genocidal massacres. He adds that at this stage, the perpetrators of genocide dig up mass graves, burn bodies, cover up evidence and intimidate witnesses. They deny ever committing any crimes and often blame what happened on the victims. They block investigations into the crimes.<sup>319</sup>

According to *Staub*, Denial is directly attributable to the devalued nature of those harmed. The perpetrators by the point of extermination are accustomed to violence against the pariah group.<sup>320</sup> It's hence arguable that the denial is necessary for the perpetrators to continue with the infliction of violence perhaps even perpetually.

*Lecomte* argues that Holocaust denial is devious because it's often presented as "point of view" based on so-called scientific arguments. The deniers avoid making open statements; punishable as criminal offences. It's for this reason mainly that the denial is

---

<sup>315</sup> AU, *Final Report of the AU Commission of Inquiry on S.Sudan*, 2014, Pages 239-240, Para 862, <http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed 7/6/2016 at 11.26

<sup>316</sup> Ibid 315, Para 5

<sup>317</sup> *Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide*, 2/5/2014, Para 4, <http://www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20Council%20on%20South%20Sudan.pdf> accessed 9/6/2016 at 6.55

<sup>318</sup> Ibid 315, Para 1129, Page 297, accessed 7/6/2016 at 12.00

<sup>319</sup> Gregory H. Stanton, *The Ten Stages of Genocide* presented as a briefing paper, "*The 8 Stages of Genocide*" at the US State Department in 1996, Para 11 <http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf> accessed 30/5/2016 at 16.10

<sup>320</sup> Ibid 319, Page 828, Para 1

usually concealed in “questions”, like whether the gas chambers or crematorium furnaces used ever existed since none survived.<sup>321</sup>

Some scholars have attributed the denial of genocide to the fear of reparations. What legal recourse will there be for the lost Armenian property and wealth, or the 2,500 Armenian churches and monasteries and nearly 2,000 schools destroyed? Holocaust scholar *Deborah Lipstadt* argues that;

*“Denial of genocide, whether of the Turks against the Armenians, or the Nazis against the Jews, is not an act of historical reinterpretation ... the deniers sow confusion by appearing to be engaged in a genuine scholarly effort. The deniers aim at convincing innocent 3rd parties that there’s ‘another side of the story’ when there’s (none); denial of genocide strives to reshape history in order to demonise the victims and rehabilitate the perpetrators.”*<sup>322</sup>

The ability of genocide denial inspiring the perpetration of genocide radiates in the words of none other than Adolf Hitler who in 1939, in a speech before the invasion of Poland, justified his brutal tactics with the infamous statement, *“Who today remembers the Armenians?”*<sup>323</sup> Those who forget the past are indeed destined to repeat it.

The S.Sudan government has downplayed the genocidal dimension of the conflict that erupted in December 2013. It even seems to assert that deliberations on the country’s susceptibility to genocide are unfounded. *Barnaba Marial, the S.Sudan Foreign Minister* stated

*“There’s no genocide but yes, there’s rebellion which is being contained and that’s why the government in collaboration with international partners are putting efforts together towards the implementation of the cessation of hostilities so that we don’t go into that process of genocide. So all this we hear about warnings of genocide is just too much interpretation. You find a lot of explanations expressing different views on this conflict but certainly you’ll find someone saying there’s going to be genocide. What’s going on is a rebellion.*

---

<sup>321</sup> Supra 306, Pages 115 - 117

<sup>322</sup> Peter Balakian, *Turkey must end its 100 Years of Genocide Denial*, 21/4/16  
<https://www.theguardian.com/commentisfree/2015/apr/21/turkey-100-years-genocide-denial-armenia>  
accessed 21/6/16 at 18.59

<sup>323</sup> *Commemorating the 83<sup>rd</sup> Anniversary of the Armenian Genocide*, USA Congressional Record, Proceedings and Debates of the 105<sup>th</sup> Congress, 2<sup>nd</sup> Session, 21/4 98 – 30/4/98, Page 6455, United States Government Printing Office, Washington, 1998,  
,<https://books.google.nl/books?id=956nQAD4DZAC&pg=PA6455&lpg=PA6455&dq=hitler+who+remembers+the+armenian+genocide&source=bl&ots=K8aaP6wMSZ&sig=dcQMIRZK3DldwYUzObzIgsfm1bo&hl=en&sa=X&ved=0ahUKEwiUgvTz6tbNAhUiKcAKHTpiCMI4HhDoAQgbMAA#v=onepage&q=hitler%20who%20remembers%20the%20armenian%20genocide&f=false> accessed 3/7/16 at 10.16

*It's not an ethnic conflict like what happened in Rwanda. In this country, you find all various ethnic groups living together across the line.”*<sup>324</sup>

The UN Under Secretary-General/Special Adviser on Genocide, stated that in consultations with senior government officials in Juba and with Dr. Machar, it was noted with concern that both sides either denied attacks against civilians or justified them on grounds of self-defence.<sup>325</sup>

Invoking Stanton's argument that at this stage, mass graves are dug, bodies are mutilated and burnt and there's a cover up of any genocidal crimes. In the case of S.Sudan, there's evidence of mass graves. UNMISS uncovered 4 mass graves.<sup>326</sup>

The AUCISS investigations uncovered 2 mass graves (115 bodies and 101 bodies respectively) dug by government health officials.(Police and military)<sup>327</sup>The investigations further established that bodies were burnt and kinsmen of the deceased were forced to drink the blood or eat burnt flesh of the corpses.<sup>328</sup> The AUCISS Report also contains accounts of SPLA soldiers burning dead bodies and compelling Nuer women to eat the burnt flesh of the corpses.<sup>329</sup>

The OHCHR Report states that among the obstacles UN staff encountered in making their human rights assessment of the situation in S.Sudan was lack of meaningful cooperation from the government and the lack of access to conflict areas. Even more damning, the Report notes that since the beginning of the conflict, the warring parties prevented the peacekeeping forces of the UN (UNMISS) from moving freely around the country to protect civilians.<sup>330</sup> This makes a case for the cover up of genocidal crimes plausible.

#### 2.4.11 CONCLUSION

---

<sup>324</sup> *S.Sudan downplays prospect of Genocide*, 3/5/2014,

<http://www.sudantribune.com/spip.php?article50857> accessed 7/6/2016 at 15.53

<sup>325</sup> *Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide*, 2/5/2014 Para 4, <http://www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20Council%20in%20South%20Sudan.pdf> accessed 9/6/2016 at 7.23

<sup>326</sup> UN, UN Mission in the Republic of South Sudan (UNMISS) 8/5/2014 : *Conflict in South Sudan: A Human Rights Report, Background and Context*, Para 202, Page 41 <https://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf> accessed 7/6/2016 at 16.04

<sup>327</sup> Supra 315, Page 148, Para 496

<sup>328</sup> Supra 315, Para 358, Page 112

<sup>329</sup> Supra 315, Page 142, Para 475

<sup>330</sup> *Assessment Mission by the OHCHR to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 7, Para 8,9 <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 20/6/16 at 16.40



Having applied data representative of the history, realities and dynamics in S.Sudan to the Stages of Genocide formulated by imminent genocide scholars, what remains key is the interpretation of the significance of this.

Ideally, when all the Stages of Genocide are fulfilled especially Extermination and Denial, which are the climaxes of a transgression towards genocide, then genocide has occurred. Having been able to successfully fulfill the genocide cycle using data from S.Sudan, 3 main conclusions may be drawn. Recalling the myriad of definitions for genocide as well as the plethora of ways through which genocide has been conducted over the ages as discussed in Chapter 1, one may argue that indeed genocide has occurred perhaps even a number of times in S.Sudan. Another may interpret the fulfillment of the genocide stages as a “rehearsal” for a possible widespread genocide. The 3rd conclusion would be that some Stages of Genocide have been fulfilled but some remain yet to be fulfilled and hence genocide hasn’t occurred.

The author steers clear of making any conclusions as to whether genocide has occurred or not, allowing the evidence to speak for the situation and giving the reader the prerogative to make the conclusions.

The author however underlines that since the evidence available shows that all the stages of genocide have been fulfilled in S.Sudan, the likelihood of a repeat fulfillment of the stages on perhaps a rapid and widescale level is real, pending a trigger. The implication of this would be a widespread cataclysmic genocide.

A fundamental element in genocide is the passivity of the Bystander. The role of witnesses, both Internal and External is pivotal in genocide. By burying their heads in the sand and denying the reality or imminence of mass exterminations, the Bystanders become effectively complicit in genocide. By intervening and preventing, halting or stopping genocide, Bystanders rescue the victims. In genocide, one is either with or against the génocidaires. There’s no middle ground. The next chapter navigates the role and responsibilities of Bystanders in genocide.

## **CHAPTER 3 THE BYSTANDER AND GENOCIDE**

### **3.1 INTRODUCTION**

This Chapter analyses the responsibility of Bystanders in genocides. There are 3 principal actors in genocide; Perpetrator(s), Victims(s) and the Bystander(s).<sup>331</sup> It's essential to focus on Bystanders when analysing genocide. This is primarily because besides the Perpetrators, the Bystanders are the other influential determinants of whether genocide shall take place or not. , Bystanders face 2 major questions in regard to genocide. First is whether to intervene and when to do so. (Before, During or After the genocide) How these questions are dealt with by the Bystanders determine whether genocide takes place or not as well as the scale of the genocide. Most times Bystanders intervene, it's on moral and humanitarian grounds and hence for the protection of the victims or potential victims. Interventions hence usually make the Bystanders rescuers of victims.

On the flip side, Bystanders, as often the case is may shut their eyes to an imminent genocide or an on-going one. In such a scenario, the Bystanders embolden the perpetrators of the genocide and are effectively collaborators of the Bystanders. This results into complicity of Bystanders in genocide.

Bystanders are hence the most significant entities (stakeholders) as regards the prevention or halting of genocide. It's important to note that the capacity of internal Bystanders may be limited since they are predominantly civilians, however external Bystanders i.e. states and the UN have diplomatic and military means and logistics to assert their will and coerce the perpetrators.

It's critical to note also that in genocide, there are no "neutral" parties. Whatever a 3<sup>rd</sup> party does, one is either a collaborator with the perpetrators or a rescuer of the victims.

The Chapter starts by delving into the intricacies of who the Bystanders are. Using the Australian Aborigines "genocide", the Holocaust and the 1994 Rwandan genocide, the Chapter shows that before and during genocides; Bystanders (Internal and External) are aware that multitudes of lives are at stake but deliberately choose not to intervene. The Chapter then highlights the fluidity of the Bystander role. (The possibility of a collaborator becoming a rescuer, even in the same genocide) This is followed by an exploration of some fundamental factors that influence the intervention or non-intervention of Bystanders in genocide. The factors examined are; Knowledge, The Bystander Effect, Sovereignty, Social Distance, Ideology of the Bystander, Greed, and Fear. In evaluating the aforementioned factors, the influence of some of them in Uganda's intervention in S.Sudan are discussed.

---

<sup>331</sup> Alette Smeulers, Fred Grunfeld, Bystanders , *International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 333, Para 3

### 3.2 WHO IS A BYSTANDER

The Oxford English Dictionary defines a *Bystander* as a person who sees something happening but isn't involved. It offers as a synonym "onlooker".<sup>332</sup> Staub defines a Bystander in the context of a situation where there's an occurrence of mass atrocities as the 3<sup>rd</sup> party who witnesses the atrocities but isn't directly affected by the perpetrator's actions. Ellie Wiesel convincingly argues that the Bystander is not a neutral 3<sup>rd</sup> party but an actor who by silently watching without interfering in the events that transpire, condones and thus facilitates acts such as genocide. Bystanders, who don't interfere, in effect give their tacit approval to the perpetration of the acts in question and thus enable the perpetrator to continue committing atrocities and genocidal acts. This qualifies a Bystander as a collaborator.<sup>333</sup>

There are Bystanders at various levels; 1. *Individual Level* 2. *Societal or Sub-National Level*, 3. *National or State Level*, 4. *International or Global Level*. Levels 1, 2 and 3 are within the political system of a particular state and are called "*Internal Influences*", whereas level 4 is known as the "*External Influences*". At Levels 1-3, it's presumed that there is knowledge about events of mass violence that occur in a country. At levels 3 and 4 in particular, knowledge of conflicts and atrocities is considered to exist especially in the period after the Cold War.<sup>334</sup>

### 3.3 CASE STUDIES OF BYSTANDER COMPLICITY IN GENOCIDE

Most times genocides occur, the internal population is aware of the mass exterminations or its imminence. *Lecomte*<sup>335</sup> and *Mukimbiri* make it crystal clear that mass extermination can only occur with the complicity of the larger internal population.<sup>336</sup> The "international community" is often in the know as well. Both deliberately bury their heads in the sand. Silence or passivity of Bystanders, whether individuals or states encourages perpetrators, who often interpret silence as support for their policies. Complicity by bystanders is likely to encourage perpetrators even more.<sup>337</sup>

---

<sup>332</sup> *Bystander*, Noun, <http://www.oxfordlearnersdictionaries.com/definition/english/bystander>, accessed 22/6/2016 at 17.48

<sup>333</sup> Supra 331, Page 332, Para 2

<sup>334</sup> Supra 331, Page 338, Para 2

<sup>335</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century*, Council of Europe, Council of Europe Publishing, Strasbourg, [http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf) accessed 20/6/16 at 13.04

<sup>336</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 824, Para 2

<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 18/6/16

<sup>337</sup> Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil*, Random House, New York, 2007, Page 308

The passivity of Bystanders and how this facilitated the perpetration of genocide is demonstrated through the Australian “genocide”, the Holocaust and the 1994 Rwandan genocide discussed below;

The British colonial policy was against genocidal acts towards the aboriginals. The original instructions to the Australian colonial Governor, Arthur Phillip from the British Colonial Office were that he

*“Endeavour by every means in his power to open an intercourse with the natives and to conciliate their goodwill, requiring all persons under his Government to live in amity and kindness with them.”*

But these “benign utterances of a far-away government” contrasted markedly with “the hard clashes of interest on the spot.”<sup>338</sup> Nonetheless, this shades light on the fact that the British government was aware of the genocidal acts of its citizens towards the aboriginals.

Prior to the Holocaust, the British had intercepted Nazi German messages and knew about the massacres as early as the 1941 summer. The French authorities were notified of the atrocities in November 1941 by their Romanian Ambassador. The representative of the Polish government in exile, Jan Karski, travelled incognito to Poland and got right inside the Warsaw ghetto. His reports of the Holocaust to London and Washington were met with indifference. The Red Cross and the Catholic Church was aware very early but chose silence.<sup>339</sup>

In the case of Rwandan genocide, the “international community” and the UN specifically had been informed countless times by NGOs, UN peacekeeping officers like General Romeo Dallaire of the imminence of genocide in Rwanda.<sup>340</sup> The Belgian Ambassador in Rwanda, Johan Swinnen informed his government daily on the genocidal developments in Rwanda.<sup>341</sup> The US government had in its possession satellite imagery evidence of mass exterminations right at the beginning of the genocide.<sup>342</sup>

Despite concrete evidence of an imminent genocide and further evidence on its perpetration, none of the aforementioned actors acted yet their actions could have had a phenomenal impact in saving millions of lives.

---

<sup>338</sup> Adam Jones, *Genocide, A Comprehensive Introduction*, Routledge, New York, 2006, Page 78

<sup>339</sup> Supra 335, Pages 77- 78

<sup>340</sup> Professor Dr Jean Paul van Marringing, *Fighting Genocide Ideology and Denial, The Commemoration of Genocide against the Tutsi*, April 11th, 2016, Webster University, <http://www.netherlands.embassy.gov.rw/uploads/media/Kwibuka22-lecture-Webster.pdf> accessed 22/6/16 at 11.24

<sup>341</sup> Supra 331, Page 355, Para 2

<sup>342</sup> Supra 331, Page 339, Para 1

From the above deliberations, it's apparent that normally when genocides occur; the internal population as well as the "international community" are aware of the atrocities being perpetrated but deliberately choose to shut their eyes. They effectively assume the role of Internal and External Bystanders respectively. Had the Bystanders intervened in the above genocides and prevented or halted them, especially the External Bystanders, millions of lives would potentially have been saved.

### 3.4 THE FLUIDITY OF THE BYSTANDER ROLE

An objective analysis of the role of a Bystander in regard to genocide can only be done with hindsight. (Retrospectively) In order to interrogate and ascertain the role of bystanders in genocide, the actions of the Bystanders throughout the genocide must be studied. This is primarily because of the fluidity of the Bystander role. It's possible to transform from being a passive Bystander (collaborator with the perpetrators) to an active Bystander (rescuer of the victims). A classic case of this was how Sweden changed from collaboration with the Nazi to Rescuing victims during the Holocaust. (Discussed below, 3.7.3)<sup>343</sup> Additionally, a seemingly "innocent" Bystander can be regarded as a collaborator at the end of the genocide. It's for this reason that any analysis of genocide should make explicit at what period the behaviour of an actor is being studied

The Sub-Chapter below examines the Ugandan military intervention into S.Sudan to prevent genocide. This is relevant because of 5 major reasons. First of all, it demonstrates the vulnerability of S.Sudan to genocide. It's remarkable, the speed with which a trigger event caused "genocidal" killings in most parts of the country. It's arguable that a widespread genocide could have occurred if Uganda hadn't intervened. Secondly, the intervention reflects the fluidity of the Bystander role. Uganda transformed from being a "collaborator" with the perpetrators to the rescuer of victims. Thirdly, it's an excellent case study for the evaluation of the factors determinative of the intervention or non-intervention of Bystanders in genocide since the interplay between the Ugandan intervention and these factors is explored. (In 3.6) The Ugandan intervention also reveals how international law (sovereignty) is a challenge for Bystanders when they intervene in other states to stop genocide. Lastly, the Ugandan intervention is arguably the most significant intervention by the "international community" in relation to genocide in S.Sudan.

---

<sup>343</sup> Raul Hilberg, *Perpetrators, Victims, Bystanders, - The Jewish Catastrophe, 1933-1945*, 1992, Aaron Asher Books, New York, Page 258, Cesarani, D. Levine, P.A, ; *Bystanders to the Holocaust, A Re-evaluation*, 2002, Routledge, London, Page 225, Kvist, K. (2002), *A Study of Anti-Semitic Attitudes within Sweden's Wartime*, in Cesarani, D. Levine, P.A, *Bystanders to the Holocaust, A Re-evaluation*, 2002, Routledge, London, Pages 119-211

### 3.5 UGANDAN INTERVENTION PREVENTS S.SUDAN “GENOCIDE”

The “international community” has a strong presence in S.Sudan. The UN and international donors have been engaged in capacity-building in S.Sudan since 2005. The priority areas for reform have been institutions of criminal justice, with a focus on police, prosecutors, judges and prisons, as well as training on combatting sexual and gender-based violence. International police and prison experts have been co-mentoring their S.Sudan national counterparts for more than a decade. However, despite the considerable human and financial capital expended, there was modest success in all of these areas. Following the December 2013 violence, the Security Council amended the peacekeeping operation’s mandate, re-prioritising the focus to the protection of civilians, human rights monitoring and investigation, creating the conditions for delivery of humanitarian assistance and supporting the implementation of the Cessation of Hostilities Agreement. Capacity building support was suspended.<sup>344</sup>

Despite the above interventions of the “international community” it’s arguable that there haven’t been any particular ones focused on insulating the country from genocide, the most significant in the above regard arguably being the intervention of the UPDF to halt the genocidal killings that had erupted in the country

In the background of a political deadlock largely between the Nuer and Dinka at the top leadership of the SPLM, on the night of 15<sup>th</sup> December, 2013, shootings occurred in the garrison of the Presidential guard in Juba, pitting Nuer and Dinka elements of the guard against each other. Violence quickly spread into massacres mainly of Nuer across the capital, reportedly carried out by government forces. The events prompted a mutiny largely led by Nuer army officers in Jonglei who controlled the state capital of Bor 3 days of the fighting in Juba.<sup>345</sup> In the course of the above events, there was word of an attempted coup by the Vice President.<sup>346</sup> Uganda deployed its military 5 days into the conflict.<sup>347</sup>

The fighting pitted forces loyal to President Salva Kiir against those loyal to former Vice President Riek Machar. A well-organised and united Nuer ethnic militia comprising mainly of the infamous *white army* faced a fragmented, ethnically diverse

---

<sup>344</sup> *Assessment Mission by the OHCHR to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 272, Paras 404-405

<http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 20/6/16 at 16.40

<sup>345</sup> *Ibid* 344, Page 25, Paras 94-95

<sup>346</sup> AU, Final Report of the AU Commission of Inquiry on South Sudan, 2014, Page 27, Para 68

<http://www.peaceau.org/uploads/auciss.final.report.pdf> accessed on 22/6/16 at 10.15

<sup>347</sup> Dr. Kasaija Phillip Apuuli, *Explaining the (il)legality of Uganda’s Intervention in the current South Sudan conflict*, African Security Review, Routledge, 24/09/2014, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf> accessed 11/6/16 at 18.38

"national army". President Kiir faced a huge dilemma. On the one hand, he was wary of sending to the frontline an army whose ethnic loyalties were questionable. On the other hand, splitting the army and isolating soldiers of Nuer origin would add fuel to the already burning fire. Options for securing Juba from rebel capture were limited. The *white army* was advancing towards Juba. If the capital fell, a state of anarchy would engulf the country. Predictably, the soldiers of Nuer origin, still loyal to the government, would switch sides to that of the *white army* and their kinsmen. The last viable card the president had for countering the rebel advance was to call upon his Dinka tribesmen. The Dinka have a numerical advantage over the Nuer. This scenario would feasibly have resulted into a widespread genocide in the country. It's in the above context that the UPDF was deployed into S.Sudan. It reinforced the "national army" and repelled the rebel advance into the capital and effectively helped the government recapture major towns that the rebels had captured.<sup>348</sup>

Uganda's intervention despite the fact that it conceivably saved the state from genocide has been criticised as breach of international law.<sup>349</sup> Fortunately, there's currently a development in international law towards the responsibility to protect, away from Westphalian sovereignty.<sup>350</sup> This development prioritises human rights over state sovereignty. The use of force and violation of state sovereignty is justified in conditions where it's necessary to protect human rights. This is a step in the right direction towards overcoming one of the biggest barriers that inhibit states from being rescuers in genocides and genocidal situations.

The fragility of S.Sudan to widespread mass violence and arguably genocide is known to the UN, neighbouring states and "international community".

### 3.6 INTERNATIONAL AWARENESS OF S.SUDAN'S FRAGILITY

The UN Security Council held an emergency meeting on Sunday 10<sup>th</sup> July 2016 to discuss the latest conflict that erupted in S.Sudan reportedly on 7<sup>th</sup> July 2016. The Council said S.Sudan's neighbours should help end the fighting and be prepared to send additional troops to bolster the UN mission in the country. (UNMISS). The Council urged an immediate end to the fighting and demanded that President Kiir and First Vice President Machar do their utmost to control their respective forces, urgently end the

---

<sup>348</sup> Panther Alier, *Tragedy averted: On Uganda's involvement in S Sudan*, 19/2/14/ Para 8  
<http://www.aljazeera.com/indepth/opinion/2014/02/tragedy-averted-uganda-involvement-201421516624107495.html> accessed on 11/6/16 at 17.24

<sup>349</sup> *Behind Museveni's defiance of US, IGAD orders*, 15/2/16, <http://www.theeastafrican.co.ke/news/-/2558/2208074/-/item/1/-/qfi40qz/-/index.html> accessed 22/6/16 at 21.43

<sup>350</sup> *Keynote Address by Gareth Evans, President of International Crisis Group/Co-Chair of the International Commission on Intervention and State Sovereignty 2001, to Symposium on Humanitarian Intervention*, University of Wisconsin, Madison, 31 March 2006  
<http://www.crisisgroup.org/en/publication-type/speeches/2006/from-humanitarian-intervention-to-the-responsibility-to-protect.aspx> accessed on 22/6/16 at 21.38

fighting and prevent the spread of violence.<sup>351</sup> S.Sudan is currently top on the agenda of the AU Summit that's currently on going in Kigali, Rwanda. The Rwandan Foreign Minister, Louise Mushikiwabo stated

*"A lot of blood has been spilled. The leaders in the region are extremely concerned. It's actually timely that all of them will be coming to Kigali this week. I have no doubt that they will have serious discussions about S.Sudan."*<sup>352</sup>

Prior to the latest eruption of violence last week, the USA Secretary of State, John Kerry, in May 2014 warned of the possibility of genocide in S.Sudan. He urged that more UN Peacekeepers be deployed.<sup>353</sup> The Ugandan Defence Minister, Dr. Crispus Kiyonga had stated much earlier on 29<sup>th</sup> January 2014 that the deployment of the UPDF in S.Sudan was to prevent genocide.<sup>354</sup> The S.Sudan ambassador to Uganda, Samuel Lominsuk around a month into the December 2013 clashes asked a sobering question *"Did the world want the situation to turn into complete genocide before any intervention?"*<sup>355</sup>

From the above, it's apparent that External Bystanders are fully aware of the vulnerability of S.Sudan to mass violence and arguably even genocide. It's perturbing therefore that there hasn't been any monumental interventions from them to insulate the country from the aforementioned threats. The Sub Chapter seeks to explain why this is the case. Addressing some of these factors would lead to the kind of intervention from External Bystanders that the situation warrants.

### 3.7 FACTORS DETERMINATIVE OF ACTION OR INACTION OF BYSTANDERS

The history of genocides and mass atrocities shows that in some instances Bystanders have intervened while in others they haven't. Below is an analysis of some of the major factors according to some political scientists, psychologists, and genocide scholars that have influenced and continue to influence this varied approach. In making this analysis, the Holocaust and the 1994 Rwandan genocide feature prominently as case studies. An attempt is made to use some of the aforementioned factors to explain Uganda's intervention in S.Sudan.

---

<sup>351</sup> *South Sudan crisis: Renewed fighting in Juba*, 12/7/16, <http://www.aljazeera.com/news/2016/07/south-sudan-security-council-demands-ceasefire-160711043656662.html> accessed 13/7/16 at 12.12

<sup>352</sup> Edmund Kagire & Fatima Kayitesi, 11/7/16, *African leaders to prioritise South Sudan in Kigali talks*, <http://www.theafrican.co.ke/news/African-leaders-to-prioritise-South-Sudan-in-Kigali-/2558/3290282/-/qcra4uz/-/index.html> accessed on 13/7/16 at 12.15

<sup>353</sup> Alastair Leithea, *John Kerry warns of South Sudan Genocide*, 1/5/14, <http://www.bbc.com/news/world-africa-27245641> accessed 22/6/16 at 10.43

<sup>354</sup> *UPDF S. Sudan Mission: "We went to stop genocide"* - Defence Minister, 29/1/14, [https://www.youtube.com/watch?v=Pyi7yK0u\\_Do](https://www.youtube.com/watch?v=Pyi7yK0u_Do) accessed on 11/6/16 at 16.30

<sup>355</sup> Frederick Musisi, *UPDF came to prevent a genocide - S. Sudan*, 9/1/2014, <http://www.monitor.co.ug/News/National/UPDF-came-to-prevent-a-genocide---S--Sudan/-/688334/2139294/-/aml7wez/-/index.html> accessed 11/6/2016 at 16.33



### 3.7.1 KNOWLEDGE<sup>356</sup>

The easiest way to become or pretend to be a Bystander is the lack of knowledge of what's going on. Ignorance is a plausible reason for the inactivity of Bystanders. Ignorance is deliberately promoted by perpetrators to minimise solidarity of 3<sup>rd</sup> parties with the victims.<sup>357</sup> Ignorance also means inaction and hence a *carte blanche* for the continuation of human rights violations. However, when the ignorance of Bystanders is not full, and information can be obtained, then ignorance is more of a choice and indifference towards the fate of the victims.<sup>358</sup>

During the Holocaust, the 34,294 Dutch Jews were not murdered outright in broad daylight. They were first transported to the isolated camp of Sobibor, as a means of destroying all traces of their mass murder. Information about the atrocities was top secret.<sup>359</sup>

According to the OHCHR, during the last S.Sudan conflict, the warring parties prevented UN Peacekeepers from moving freely around the country to protect civilians. The OHCHR also lamented that meaningful cooperation was lacking from the S.Sudan government when they conducted a human rights assessment of the country following the last civil war.<sup>360</sup>

Ignorance can also be a specific choice made by Bystanders in order to avoid the moral and legal obligation to help. In International law, states have an obligation to prevent genocide and act once away of its perpetration.

*“A State’s obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.”*<sup>361</sup>

This is conceivably among the reasons why the USA feigned ignorance about the Rwandan genocide in 1994.<sup>362</sup>

---

<sup>356</sup> Alette Smeulers, Fred Grunfeld, Bystanders, *International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011, Page 335, Para 3

<sup>357</sup> Ibid 356, Page 337, Para 2

<sup>358</sup> Ibid 356, Page 335, Para 5

<sup>359</sup> Ibid 356, Page 335, Para 6

<sup>360</sup> *Assessment Mission by the OHCHR to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings* 10/3/16, Page 5, Para 9

<sup>361</sup> *Case Concerning Application of the Convention on the Prevention and Punishment of the crime of Genocide (Bosnia and Herzegovina V. Serbia and Montenegro)*, Judgement of 26/2/07, Para 430, International Court of Justice, Reports of Judgements, Advisory Opinions and Orders, <http://www.icj-cij.org/docket/files/91/13685.pdf> accessed 11/6/16 at 14.32

<sup>362</sup> Jared Genser, *The United Nations Security Council in the Age of Human Rights*, 2014, Cambridge University Press, Cambridge, Page 285, Para 2, [https://books.google.nl/books?id=Aa-BAwAAQBAJ&dq=US+feigns+ignorance+on+the+rwandan+genocide&source=gbs\\_navlinks\\_s](https://books.google.nl/books?id=Aa-BAwAAQBAJ&dq=US+feigns+ignorance+on+the+rwandan+genocide&source=gbs_navlinks_s)

As previously highlighted, Bystanders at the individual, societal, sub-national, national and state levels usually have knowledge in regard to the perpetration of genocide and mass violence since it cannot occur without their complicity.<sup>363</sup>

States and international organisations are plausibly aware of what happens in the world because of modern information technology, and are in a better position to act and intervene since the end of the Cold War because of the diminished risks associated with a nuclear war amongst superpowers.<sup>364</sup>

### 3.7.2 THE BYSTANDER EFFECT<sup>365</sup>

Recalling that states are comprised and run by people, human behaviour and psychology exceedingly influences the actions of states hence human psychology and behaviour may be closely attributable to state behaviour. This is relevant in determining and explaining the situational ethics and actions of states when faced with moral dilemmas. In the case of *Kitty Genovese*, a woman was stabbed to death in New York in 1964. Many people (38) witnessed the attack but none acted. Explanations for why no one intervened to save her differ, but encompass the principle of “Social Influence”, i.e. Bystanders monitor the reactions of other people in such an emergency situations to see if others think it’s necessary to intervene. Because everyone is awaiting action from someone else, no one acts. This social phenomenon is known as “Pluralistic Ignorance” or “Social Proof”. Moreover, when every bystander assumes that someone else is going to intervene, each individual feels less responsible and refrains from doing anything. This is called the “Diffusion of Responsibility”. Experimental studies inspired by *The Genovese Case* reveal a phenomenon called the “Bystander Effect”, meaning, the more Bystanders; the less likely that any will help.<sup>366</sup>

The Bystander Effect is a psychological phenomenon in which someone is less likely to intervene in an emergency situation when others are present than when alone. This theory helps to explain the world’s inaction in the occurrences of genocide. With so many other countries and people realising that genocide is occurring, everyone assumes that someone else is going to act. Help is less likely to be given when more people are present. The presence of others diminishes a sense of personal responsibility for the

---

<sup>363</sup> Jean Mukimbiri, *The 7 Stages of the Rwandan Genocide*, Page 824, Para 2  
<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 18/6/16

<sup>364</sup> Supra 314, Page 338, Para 3

<sup>365</sup> Dr. David Patrick Houghton, *Bystanders and Interventionists; Where and When do States intervene to stop Genocide*, Social Science Research Network, Page 9, Para 2  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1812485](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1812485) accessed 4/7/16 at 13.30

<sup>366</sup> J.M Darley & B. Latane, *Bystander Intervention in Emergencies; Diffusion of Responsibility*, Journal of Personality and Social Psychology, 8(4), Pages 337-382

people in need. As millions are exterminated, too often the rest of the world waits to see who's going to help first.<sup>367</sup>

This is well portrayed by the genocide in the former Yugoslavia. The USA and Western Europe thought the other had a moral responsibility to act.<sup>368</sup>

In the case of S.Sudan the UN, neighbouring states and the “international community” are all fully aware of the susceptibility of the state to widespread mass violence and even genocide, but there haven't been any significant interventions to insulate the country from the aforementioned threats.

### 3.7.3 SOCIAL DISTANCE<sup>369</sup>

Social Distance is relevant because it affects feelings and emotions of Bystanders and influences a sense of responsibility.<sup>370</sup> Its role in Bystander interventions is well reflected by the adoption of the Rescuer role by Sweden from an initial Collaborator one during the Holocaust. Sweden, well aware of the Anti-Jewish measures in place, closed its borders to refugees from the Baltic States and other European countries prior at the initial stages of the Holocaust. The deportation of Norwegian Jews started in 1942. After approximately a third of them had been deported, a photograph of 532 Norwegian Jews aboard a ship in Oslo awaiting deportation was published on the front cover of a national Swedish newspaper.<sup>371</sup> The picture appealed to public conscience and emotions. The country's policy immediately changed.<sup>372</sup> Within a week, Sweden welcomed all the remaining Jews. This saved about half of the Norwegian Jewry.<sup>373</sup> The policy change as per Levine is attributable to the limited social distance between the victims and the Bystanders. Norwegian Jews have Scandinavian kinship.<sup>374</sup> The Vichy regime in Southern France protected French Jews but captured and deported non-French ones.<sup>375</sup>

Social Distance plausibly explains why the world seems indifferent to mass atrocities in Africa. Events in recent years make inescapable the conclusion that an implicit racism is at play, a sense that African lives are valued less than other lives. This was flagrantly

---

<sup>367</sup> Stephanie Saltzman, *Never Say “Never Again”: The Confrontation of Genocide*, <http://ejournals.bc.edu/ojs/index.php/freshink/article/view/1741/1618> accessed 22/6/16 at 19.19

<sup>368</sup> Supra 365, Page 9 Para 3

<sup>369</sup> Supra 356, Page 345, Para 1

<sup>370</sup> Supra 356, Page 351, Para 2

<sup>371</sup> Cesarani, D. Levine, P.A., ; *Bystanders to the Holocaust, A Re-evaluation*, 2002, Routledge, London, Page 225

<sup>372</sup> Kvist, K. (2002), *A Study of Anti-Semitic Attitudes within Sweden's Wartime*, in Cesarani, D. Levine, P.A., ; *Bystanders to the Holocaust, A Re-evaluation*, 2002, Routledge, London, Pages 119-211

<sup>373</sup> Raul Hilberg, *Perpetrators, Victims, Bystanders, - The Jewish Catastrophe, 1933-1945*, 1992, Aaron Asher Books, New York, Page 258

<sup>374</sup> Supra 356, Page 225- 227

<sup>375</sup> Supra 356, Page 335, Para 1

demonstrated when UNAMIR was instructed by New York in the first days of the genocide to prioritise helping expatriates flee Rwanda, and if necessary to go beyond its narrow mandate to achieve this end.<sup>376</sup>

When interrogating the Ugandan intervention into S.Sudan in December 2013,<sup>377</sup> one finds a limited social distance between Ugandans and S.Sudanese. Many Ugandans share ethnic origins with S.Sudanese. The Northern and North-western parts of Uganda are inhabited predominantly by Nilotic and Central Sudanic peoples.<sup>378</sup> The Western Nilotes (Nilotics) are the largest group in S.Sudan. The place of origin of Nilotics is the present day Aweil County in the Bhar el Ghazal region. The Dinka, Nuer, Shilluk, Anuak, Acholi, Lango and Jur are sub ethnic groups of the Western Nilotics. According to oral tradition, they entered S.Sudan around 900 AD. Around 1400, the Shilluk, Dinka and the Anyuua moved across the Sudan eventually settling in Southern Sudan and Northern Uganda.<sup>379</sup> Some of these Nilotes continued further southwards in Uganda conquering most of the Bantu people whom they found in the region.<sup>380</sup>

#### 3.7.4 SOVEREIGNTY<sup>381</sup>

A justification for the bystander role of states is the Westphalian interpretation of sovereignty of states. In July 1938, in the initial stages of the Holocaust, an international conference was held in Evian and it was acknowledged that it was Germany's right to do what it liked with its citizens. (Westphalian interpretation of sovereignty)<sup>382</sup>

Regrettably, the observance of International law offers a plausible justification for the non-intervention of states. The UN Charter states as follows;

---

<sup>376</sup> *Rwanda: The Preventable Genocide International panel of eminent personalities*, Para 21.15, <http://www.peaceau.org/uploads/report-rowanda-genocide.pdf>

<sup>377</sup> Dr. Kasaija Phillip Apuuli, *Explaining the (il)legality of Uganda's Intervention in the current South Sudan conflict*, African Security Review, Routledge, 24/09/2014, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf> accessed 11/6/16 at 18.38

<sup>378</sup> *Uganda Ethnic Groups*, <http://www.africa.upenn.edu/NEH/u-ethn.html> accessed 23/6/16 at 11.01

<sup>379</sup> Anders Breidlid, Avelino Androga Said, *A Concise History of South Sudan*, Fountain Publishers, Kampala, Page 73

<sup>380</sup> Yona Balyage, *Ethnicity and Ethnic Conflict in the Great Lakes Region*, A paper Presented to the Conference on Conflict and Peace-Making in the Great Lakes Region at Windsor Lake Victoria Hotel, Entebbe, Uganda, Page 4, Para 1,

<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/4968/Balyage-MAK-Res.pdf?sequence=1> accessed 23/6/16 at 10.49

<sup>381</sup> Jean-Michel Lecomte, *Teaching about the Holocaust in the 21st century*, Council of Europe, Council of Europe Publishing, Strasbourg, Page 77, Para 3

<sup>382</sup> *Ibid* 381, Page 77, Para 3

*All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the UN.*<sup>383</sup>

*Nothing contained in the present Charter shall authorise the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.*<sup>384</sup>

Fortunately, there's an on-going re-approach to sovereignty. Following the genocides of the 1990s, especially the Rwandan and Balkans ones in which the UN and other states were barred from intervening on the grounds of sovereignty, there was an appreciation of the flip side to Westphalian sovereignty. The ICISS spearheaded the move towards a more progressive reinterpretation of sovereignty with the aim of making it more human rights centred. This culminated into the formulation of the doctrine of *Responsibility to Protect*, which justifies the violation of sovereignty on humanitarian grounds. The doctrine has been endorsed by the General Assembly of the UN thereby plausibly elevating it to a developing norm in international law.<sup>385</sup>

Uganda's military intervention into S.Sudan is viably justifiable under the doctrine of the *Responsibility to Protect*.

### 3.7.5 GREED<sup>386</sup>

Greed is an overriding theme in human affairs and a principal motive for Bystanders. The opportunity to strip victims of their wealth and property either by looting or purchasing it at desperation prices and to occupy their forcibly vacated dwellings appears time and again in various mass atrocities and genocides.<sup>387</sup> Greed is never satiated; but when it is fed, one feels validated, successful even omnipotent.<sup>388</sup> During the Armenian genocide, Oscar Heizer, reported:

*“A crowd of Turkish women and children follow the police about like a lot of vultures and seize anything they can lay their hands on and when the more*

---

<sup>383</sup> United Nations, *Charter of the United Nations*, 1945, 1 UNTS XVI, Article 2(4)

<sup>384</sup> *Ibid* 383, Article 2(7)

<sup>385</sup> *Keynote Address by Gareth Evans, President of International Crisis Group/Co-Chair of the International Commission on Intervention and State Sovereignty 2001, to Symposium on Humanitarian Intervention*, University of Wisconsin, Madison, 31 March 2006

<http://www.crisisgroup.org/en/publication-type/speeches/2006/from-humanitarian-intervention-to-the-responsibility-to-protect.aspx> accessed on 22/6/16 at 21.38

<sup>386</sup> Adam Jones, *Genocide, A Comprehensive Introduction*, Routledge, New York, 2006, Page 264

<sup>387</sup> *Ibid* 386, Page 264, Para 3

<sup>388</sup> *Ibid* 386, Page 265, Para 3

*valuable things are carried out of the house by the police they rush in and take the balance. I see this performance every day with my own eyes. It was a veritable Turkish holiday and all the Turks went out in their gala attire to feast and to make merry over the misfortunes of other.*<sup>389</sup>

In the Rwandan genocide, Tutsi victims had land and cows. Somebody had to possess these things after their owners were dead, a significant incentive in a poor and increasingly overpopulated country. “*We had tasted comfort and overflowing plenty,*” one Hutu killer recalled. “*Greed had corrupted us.*”<sup>390</sup>

The exaltation of cattle in S.Sudan is well documented. An OHCHR Report states that one of the loopholes in the judicial system in S.Sudan is that cattle raids and the acts which accompany them are often portrayed, including by the government as “legitimate” traditional, cultural practices, rather than criminal offences.<sup>391</sup> The Report further states that some communities use cattle as currency and cattle raids are rampant.<sup>392</sup> It’s likely that in the event of mass extermination that people will use the opportunity to loot cattle, a tradition entrenched in S.Sudanese culture.<sup>393</sup> The economic situation in the country is horrible, yet another incentive for greed. The AfDB states that the GDP had a sharp decline of -26.7% in 2013. The current economic growth outlook is largely dependent on peace prospects and international oil prices. It’s estimated that the GDP will contract by -7.5% in 2015 as the recent conflict and the falling international oil prices cast a shadow over economic prospects.<sup>394</sup>

### 3.7.6 FEAR<sup>395</sup>

Edmund Burke firmly asserts that “*No power so effectively robs the mind of all its powers of acting and reasoning as fear.*”<sup>396</sup> Fear is heightened and manipulated by the architects of mass atrocities. Fear induces people to support violence, because the choice

---

<sup>389</sup> Heizer quoted in Levon Marashlian, “Finishing the Genocide: Cleansing Turkey of Armenian Survivors, 1920–1923,” in Richard G. Hovannisian, ed., *Remembrance and Denial: The Case of the Armenian Genocide* Wayne State University Press, Detroit, 1999, Page 115

<sup>390</sup> Quoted in Jean Hatzfeld (trans. Linda Coverdale), *Machete Season: The Killers in Rwanda Speak*, Farrar, Straus & Giroux, New York, 2005, Page 87.

<sup>391</sup> *Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in S.Sudan: Detailed Findings* 10/3/16, Page 83, Para 390, <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations> accessed 22/6/16 at 20.47

<sup>392</sup> Ibid 391, Page 76, Para 353

<sup>393</sup> Ibid 392

<sup>394</sup> *South Sudan Economic Outlook*, <http://www.afdb.org/en/countries/east-africa/south-sudan/south-sudan-economic-outlook/> accessed 22/6/16 at 20.38

<sup>395</sup> Adam Jones, *Genocide, A Comprehensive Introduction*, Routledge, New York, 2006, Page 265

<sup>396</sup> Burke quoted in Linda Green, “Fear as a Way of Life,” in Alexander Laban Hinton, ed., *Genocide: An Anthropological Reader* (Malden, MA: Blackwell), Page 307.

usually is limited to being either a participant or victim.<sup>397</sup> The propaganda that characterised the Rwandan genocide was primarily that The Tutsis harboured intentions of killing the Hutu and will do so unless they were stopped or annihilated.<sup>398</sup>

The Dinka have been victimised before by the Nuer most evidently in the 1991 Bor massacre.<sup>399</sup> A manipulation of this fear is inferrable from President Kiir invoking the horrible memory in the course of the political deadlock that preceded the December 2013 civil war.<sup>400</sup>

The above Sub-Chapter made it abundantly clear that Bystanders are pivotal players in genocide. Through action or inaction they either rescue the victims or collaborate with the perpetrators. The Sub-Chapter evaluated some of the significant factors that are determinative of whether Bystanders shall intervene in genocides or not. The factors were applied to the S.Sudan context to analyse Uganda's actions as an active Bystander. There was also a discussion on the likelihood of the bulk of the S.Sudan being passive Bystanders in the instance of genocide.

The Ugandan military intervention into S.Sudan was a classic case of a passive Bystander becoming active. The humanitarian relevance of this cannot be overstated as the case study will show. The intervention shows first-hand the dilemmas states face between safeguarding human rights outside their territories and abiding by international law. Additionally, the intervention reveals the susceptibility of S.Sudan to genocide considering the lightning speed at which the genocide road was pursued in S.Sudan.

### 3.8 CONCLUSION

The Chapter laboured to show the pivotal role of Bystanders in genocide. By intervening, they rescue victims and by being passive they collaborate with the perpetrators. It highlighted the fluidity of the Bystander role. It discussed some of the key roles the "international community" has played and is playing in S.Sudan. It discussed the Ugandan military intervention to prevent genocide in S.Sudan. It showed the international awareness about the susceptibility of S.Sudan to mass violence and arguably to genocide. Lastly, the Chapter analysed some of the significant factors that influence the intervention or non-intervention of Bystanders in genocide. These factors are applied to the S.Sudan context and help explain why Uganda intervened and also why the "international community" is largely an External Bystander.

---

<sup>397</sup> Supra 395, Page 266, Paras 2, 3

<sup>398</sup> Supra 395, Page 267, Para 3

<sup>399</sup> Supra 75, Supra 76

<sup>400</sup> Supra 391, Page 25, Para 94

## THESIS CONCLUSION

Genocide is a “new” word for an archaic idea and practice. Infinite genocides have occurred through world history. A universal definition for genocide is elusive and is likely to stay that way. Among many reasons is the politicisation of genocide and the fact that genocide is largely subjective.

The result of the application of data on S.Sudan, representative of its history, social, political and economic dynamics to the Stages of Genocide formulated by scholars reveal that the country is highly susceptible to genocide. Considering that all the Stages of Genocide have been fulfilled, one may argue using any of the numerous definitions of genocide that indeed genocide has occurred in S.Sudan, perhaps even a number of times. The alleged presidential coup d'état that triggered a rapid transgression towards a genocide, in December 2013 gives an insight into the unbelievable speed at which the country transgressed into genocidal killings. This evidences that the societal prerequisites for genocide are present in S.Sudan. It seems all the country needs is a trigger to effectively set the genocide ball rolling.

Despite the involvement of the “international community” in S.Sudan especially in humanitarian work, there isn't much to show for significant interventions aimed at curbing the genocidal developments in the country. In this regard, the “international community” has feasibly been an External Bystander and hence arguably complicit in the genocidal developments in the country. Recognising the vulnerable position of the Internal Bystanders, the “international community” is the most appropriate entity to insulate the country from the threat of genocide especially since it has diplomatic and military means to enforce its will. The options for an intervention are; Before; During or After genocide has occurred. The author opines that *prevention is better than cure*.



## **BIBLIOGRAPHY**

### **PRIMARY SOURCES**

#### **INTERNATIONAL STATUTES**

UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations

UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998

Assembly of States Parties to the Rome Statute of the International Criminal Court, Elements of Crimes of the International Criminal Court, 09 October 2002

#### **CASE LAW**

Case Concerning Application of the Convention on the Prevention and Punishment of the crime of Genocide (Bosnia and Herzegovina V. Serbia and Montenegro) , Judgement of 26/2/07, Para 430, International Court of Justice, Reports of Judgements, Advisory Opinions and Orders, <http://www.icj-cij.org/docket/files/91/13685.pdf>

Akayesu, ICTR T. Ch. 1, 2 September 1998, Para 498; Kayishema ICTR T.Ch II, 21 May 1999, Para 91; Musema ICTR T. Ch.1,27 January 2000 Para.164

The Prosecutor v. Athanase Seromba (Appeal Judgement), ICTR-2001-66-A, International Criminal Tribunal for Rwanda (ICTR) 12 March 2008 Paras 177- 82

(Liechtenstein v. Guatemala) [1955] ICJ 1/ The Nottebohm case

Bagilishema, ICTR T. Ch. 1, 7 June 2001

#### **UN PUBLICATIONS**

Ethnic Conflict Begins, Para 3,  
<http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>

Statement of Under Secretary-General/Special Adviser on the Prevention of Genocide, Mr. Adama Dieng, Meeting of the Security Council on the situation in South Sudan, Page 2, Para 9, <http://www.un.org/en/preventgenocide/adviser/pdf/2014-05-14%20Statement%20of%20USG%20Adama%20Dieng%20to%20the%20Security%20%20Council%20on%20South%20Sudan.pdf>

<http://www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml>

[www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml](http://www.un.org/en/peacekeeping/missions/past/unmis/referendum.shtml)

UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A, [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) accessed on 3/5/2016 Official Records 723 (6th Comm 1948) UN Doc A/C6/SR219 (Fr)

Security Council Expert Report (27 May 1994) UN Doc A/1994/674

Final Report of the Panel of Experts on S.Sudan established pursuant to Security Council Resolution 2206 (2015), Para 16, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_70.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_70.pdf)

Assessment Mission by the Office of the UN High Commissioner for Human Rights to improve Human Rights, Accountability, Reconciliation and Capacity in South Sudan: Detailed Findings 10/3/16, Page 12, Para 33 <http://reliefweb.int/report/south-sudan/report-high-commissioner-human-rights-assessment-mission-office-united-nations>

<http://www.un.org/apps/news/story.asp?NewsID=52776#.V24M3jWP8WA>

UN, United Nations Mission in the Republic of S.Sudan (UNMISS) : Conflict in South Sudan: A Human Rights Report, Background and Context, 8/5/2014, <https://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>

Changes in the Country Context, Peacebuilding, Education and Advocacy in Conflict affected Contexts Programme, UNICEF South Sudan 2014 Annual Report, Page 7 Para 1 <http://learningforpeace.unicef.org/wp-content/uploads/2015/11/South-Sudan-Annual-Report-%E2%80%93-2014.pdf>

#### AFRICAN UNION PUBLICATIONS

African Union, Final Report of the African Union Commission of Inquiry on South Sudan, 2014, <http://www.peaceau.org/uploads/auciss.final.report.pdf>

Rwanda: The Preventable Genocide International panel of eminent personalities, Para 21.15, <http://www.peaceau.org/uploads/report-rowanda-genocide.pdf>

#### COUNCIL OF EUROPE PUBLICATIONS

Jean-Michel Lecomte, Teaching about the Holocaust in the 21st century, Council of Europe, Council of Europe Publishing, Strasbourg, Page 47, Para 4 [http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust\\_en.pdf](http://www.coe.int/t/dg4/education/historyteaching/Source/Projects/DocumentsTwentyCentury/Holocaust_en.pdf)

## WORLD BANK PUBLICATIONS

<http://www.worldbank.org/en/country/southsudan/overview>

## AFRICAN DEVELOPMENT BANK PUBLICATIONS

South Sudan Economic Outlook, <http://www.afdb.org/en/countries/east-africa/south-sudan/south-sudan-economic-outlook/>

## INTERNATIONAL COMMITTEE OF THE RED CROSS PUBLICATIONS

[https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1)

## GOVERNMENTAL PUBLICATIONS

Commemorating the 83<sup>rd</sup> Anniversary of the Armenian Genocide, USA Congressional Record, Proceedings and Debates of the 105<sup>th</sup> Congress, 2<sup>nd</sup> Session, 21/4 98 – 30/4/9, United States Government Printing Office, Washington, 1998, <https://books.google.nl/books?id=956nQAD4DZAC&pg=PA6455&lpg=PA6455&dq=hitler+who+remembers+the+armenian+genocide&source=bl&ots=K8aaP6wMSZ&sig=d cQMIRZK3DldwYUzObzIgsfm1bo&hl=en&sa=X&ved=0ahUKEwiUgvTz6tbNAhUi KcAKHTpiCMI4HhDoAQgbMAA#v=onepage&q=hitler%20who%20remembers%20the%20armenian%20genocide&f=false> accessed 3/7/16 at 10.16

Interim Report on South Sudan Internal Conflict (December 15, 2013 - March 15, 2014), South Sudan Human Rights Commission, [http://www.gurtong.net/LinkClick.aspx?fileticket=RO6rWq-\\_ogw%3D&tabid=124](http://www.gurtong.net/LinkClick.aspx?fileticket=RO6rWq-_ogw%3D&tabid=124)

Ministry of Agriculture, (Rwanda) P.D. Nkezabera, Letter no.0/770/11.c. of 6 August, 1964

Invaho No. 33 of 28 February 1961. (Rwandan Government Published Newspaper)

## ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT PUBLICATIONS

Emmanuel Salliot, Establishment of a “Dinkacracy” and schisms within the rebel movement, A Review of Past Security Events in the Sahel 1967 – 2007, Page 54, Para 2 <https://www.oecd.org/swac/publications/47092939.pdf>

## UNITED STATES INSTITUTE OF PEACE PUBLICATIONS

Jok Madut, Diversity, Unity, and Nation Building in South Sudan, United States Institute of Peace, Special Report 287, 2011

## DICTIONARIES

Black's Law Dictionary, 8th Edition, Thomson West, West Publishing Company, Minnesota

<http://www.oxforddictionaries.com/definition/english/genocide>

### PRESENTATIONS OF LEADING SCHOLARS

Gregory H. Stanton, The Ten Stages of Genocide presented as a briefing paper, "The Eight Stages of Genocide" at the US State Department in 1996, Para 1  
<http://www.scasd.org/cms/lib5/PA01000006/Centricity/Domain/1482/TenStages.pdf>

Professor Dr Jean Paul van Marring, Fighting Genocide Ideology and Denial, The Commemoration of Genocide against the Tutsi, April 11th, 2016, Webster University,  
<http://www.netherlands.embassy.gov.rw/uploads/media/Kwibuka22-lecture-Webster.pdf>

M.D Hauser, Lecture at Leiden University, 20th September 2009, reported in NRC Handelsblad, Karten Wetenschap, September 26-27, 2009

Yona Balyage, Ethnicity and Ethnic Conflict in the Great Lakes Region, A paper Presented to the Conference on Conflict and Peace-Making in the Great Lakes Region at Windsor Lake Victoria Hotel, Entebbe, Uganda,  
<http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/4968/Balyage-MAK-Res.pdf?sequence=1>

Keynote Address by Gareth Evans, President of International Crisis Group/Co-Chair of the International Commission on Intervention and State Sovereignty 2001, to Symposium on Humanitarian Intervention, University of Wisconsin, Madison, 31 March 2006  
<http://www.crisisgroup.org/en/publication-type/speeches/2006/from-humanitarian-intervention-to-the-responsibility-to-protect>

### SECONDARY SOURCES

#### TEXT BOOKS

Adam Jones, Genocide, A Comprehensive Introduction, Routledge, New York, 2006

Samuel Totten, Steven Leonard Jacobs, Pioneers of Genocide Studies, Transaction Publishers, New Jersey, 2002, Page 278, Paras 2,3  
[https://books.google.nl/books?id=mMzM5Q2Mxv8C&pg=PA278&lpg=PA278&dq=process+of+polarisation+leo+kuper&source=bl&ots=hCeevj7nT5&sig=6frWgW3wAw9adOM\\_ONiDbP5NCQg&hl=en&sa=X&ved=0ahUKEwj687z8x7TNAhVJuRQKHR51BxkQ6AEILDAD#v=onepage&q=process%20of%20polarisation%20leo%20kuper&f=false](https://books.google.nl/books?id=mMzM5Q2Mxv8C&pg=PA278&lpg=PA278&dq=process+of+polarisation+leo+kuper&source=bl&ots=hCeevj7nT5&sig=6frWgW3wAw9adOM_ONiDbP5NCQg&hl=en&sa=X&ved=0ahUKEwj687z8x7TNAhVJuRQKHR51BxkQ6AEILDAD#v=onepage&q=process%20of%20polarisation%20leo%20kuper&f=false)

John Ryle, Justin Willis, Suliman Baldo, Jok Madut Jok, , The Sudan Handbook ,Boydell & Brewer, Suffolk, 2011, <https://books.google.nl/books?id=oBVBHrPFEgIC&pg=PA58&lpg=PA58&dq=sudan+egypt+britain+condominium&source=bl&ots=UvUJz2rPDe&sig=x0ihqLz0w4Kuk4bIePqf8xWiXwM&hl=en&sa=X&ved=0ahUKEwjp0OnFibfMAhUsLMAKHVY0AIA4ChDoAQhDMAg#v=onepage&q=sudan%20egypt%20britain%20condominium&f=false>

Milena Sterio, The Right to Self Determination under International Law, “Selfistans”, secession and the rule of great powers, Routledge, New York, 2013

Andrew N. Natsios, Sudan, South Sudan, and Darfur: What Everyone Needs to Know, Oxford University Press, Oxford, 2012

David E. Stannard, American Holocaust: The Conquest of the New World, Oxford University Press, New York 1992

Russell Thornton, American Indian Holocaust and Survival: A Population History since 1492, University of Oklahoma Press, Oklahoma, 1987

Ward Churchill, A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present, City Lights Books, San Francisco, 1997

Ken S. Coates, A Global History of Indigenous Peoples: Struggle and Survival ,Palgrave Macmillan, Basingstoke, 2004

Taner Akcam, A shameful Act: The Armenian Genocide and the Question of Turkish Responsibility, Henry Holt and Company, New York, 2013, The Guardian Bookshop, <http://bookshop.theguardian.com/shameful-act.html>

Samuel Totten et al., Century of Genocide: Eyewitness Accounts and Critical Views, Garland Publishing, New York, 1997

Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmshurst, An Introduction to International Criminal Law and Procedure 3rd Edition, Cambridge University Press, Cambridge, 2014

William A. Schabas, Genocide in International Law, Cambridge University Press, Cambridge, 2000, The Politics of Genocide: Foreword by Noam Chomsky, [http://monthlyreview.org/product/politics\\_of\\_genocide/](http://monthlyreview.org/product/politics_of_genocide/)

Dr. David Nersessian, Human Groups and Genocide, Oxford Scholarship Online: September 2010, <http://www.oxfordscholarship.com.ezproxy.ub.unimaas.nl/view/10.1093/acprof:oso/9780199588909.001.0001/acprof-9780199588909-chapter-5>

Damien Short, Matthew Waites , *Genocide, Culture and Settler Colonialism*, , New Directions in the Sociology of Human Rights, Routledge, [https://books.google.nl/books?id=NeTOCwAAQBAJ&pg=PT43&lpg=PT43&dq=how+the+holocaust+influenced+the+genocide+convention&source=bl&ots=NSJony2kCT&sig=by3NH\\_rwFx90W8TGD60pNHkesoI&hl=en&sa=X&ved=0ahUKEwivqtLGsMLNAhUqJsAKHVr1BgM4ChDoAQgeMAE#v=onepage&q=how%20the%20holocaust%20influenced%20the%20genocide%20convention&f=false](https://books.google.nl/books?id=NeTOCwAAQBAJ&pg=PT43&lpg=PT43&dq=how+the+holocaust+influenced+the+genocide+convention&source=bl&ots=NSJony2kCT&sig=by3NH_rwFx90W8TGD60pNHkesoI&hl=en&sa=X&ved=0ahUKEwivqtLGsMLNAhUqJsAKHVr1BgM4ChDoAQgeMAE#v=onepage&q=how%20the%20holocaust%20influenced%20the%20genocide%20convention&f=false)

Ward Churchill, “Genocide by Any Other Name: North American Indian Residential Schools in Context,” in Adam Jones, ed., *Genocide, War Crimes and the West: History and Complicity*, Zed Books, London, 2004

Taiser. M. Ali, Robert O. Matthew, *Civil Wars in Africa; Roots and Resolution*, McGill-Queen’s University Press, London, Page 3, [https://books.google.hu/books?id=rcu-hmpVLUYC&pg=PA3&lpg=PA3&dq=longest+civil+war+in+africa&source=bl&ots=d08Bgx\\_hJK&sig=JBvK2TYJBakZoItYS0G6cV9QRgQ&hl=en&sa=X&ved=0ahUKEwiH5oSs0vDNAhXEzxQKHf7JCZAQ6AEIigEwEw](https://books.google.hu/books?id=rcu-hmpVLUYC&pg=PA3&lpg=PA3&dq=longest+civil+war+in+africa&source=bl&ots=d08Bgx_hJK&sig=JBvK2TYJBakZoItYS0G6cV9QRgQ&hl=en&sa=X&ved=0ahUKEwiH5oSs0vDNAhXEzxQKHf7JCZAQ6AEIigEwEw)

Anders Breidlid, Avelino Androga Said, *A Concise History of South Sudan*, Fountain Publishers, Kampala

Patricia Levy, Zawiah Abdul Latif, *Cultures of the world, Sudan*, Marshall Cavendish Benchmark, New York, 2nd Edition, 2008

A. Mugesera, *Imibereho y’abatutsi kuri repubulika ya mbere n’iya kabiri (1959^1990)* (Kigali: Les editions rwandaïses, 2004), 296 ff. (Approximate translation of the title: The Status of the Tutsi during the First and the Second Republic)

Levi Primo, *If this is a man*, 1947, Abacus, London

Alette Smeulers, Fred Grunfeld, *Bystanders , International Crimes and other Gross Human Rights Violations*, Martinus Nijhoff Publishers, Leiden, Boston, 2011

Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil*, Random House, New York, 2007

Edward Evans-Pritchard, *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*, Oxford University Press, Oxford, 1968

Lester Grabbe; *Priests, Prophets, Diviners, Sages*, Trinity Press International, 1995

John Mbiti, *African Religions and Philosophy*, Heinemann Publishers, London, 1990

Edward Evans-Pritchard, *Nuer Religion*, Clarendon Press, London 1956

Deborah Scroggins, *Emma's War*, Pantheon Books, New York, 2002

Dirk Moses, *Empire, Colony, Genocide; Conquest, Occupation and Subaltern Resistance in World History*, Berghahn Books, Oxford, 2003

Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation – Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace, Washington D.C, 1944

Patricia Hynes, Michele Lamb, Damien Short, Matthew Waites, *Sociology and Human Rights, New Engagements*, Routledge, New York  
<https://books.google.hu/books?id=cpTsAgAAQBAJ&pg=PA36&lpg=PA36&dq=sociology+and+human+rights+new+engagements+lemkin+genocide&source=bl&ots=flooxWIBDE&sig=G11xCvxLhfVXpnHXJNS5VvcDk0E&hl=en&sa=X&ved=0ahUKEwiwy6Ov4O7NAhUB3SwKHa0rARUQ6AEIHDA#v=onepage&q=sociology%20and%20human%20rights%20new%20engagements%20lemkin%20genocide&f=false>

Scott Peterson, *Me against My Brother: At War in Somalia, Sudan, and Rwanda*, Routledge, New York, 2001

Jared Genser, *The United Nations Security Council in the Age of Human Rights*, 2014, Cambridge University Press, Cambridge, [https://books.google.nl/books?id=AaBAwAAQBAJ&dq=US+feigns+ignorance+on+the+rwandan+genocide&source=gbs\\_navlinks\\_s](https://books.google.nl/books?id=AaBAwAAQBAJ&dq=US+feigns+ignorance+on+the+rwandan+genocide&source=gbs_navlinks_s)

Cesarani, D. Levine, P.A. ; *Bystanders to the Holocaust, A Re-evaluation*, Routledge, London, 2002

Kvist, K. (2002), *A Study of Anti-Semitic Attitudes within Sweden's Wartime*, in Cesarani, D. Levine, P.A. ; *Bystanders to the Holocaust, A Re-evaluation*, Routledge, London, 2002

Raul Hilberg, *Perpetrators, Victims, Bystanders, - The Jewish Catastrophe, 1933-1945*, 1992, Aaron Asher Books, New York

Jean Hatzfeld (trans. Linda Coverdale), *Machete Season: The Killers in Rwanda Speak*, New York: Farrar, Straus & Giroux, New York, 2005

Richard G. Hovannisian, ed., *Remembrance and Denial: The Case of the Armenian Genocide*, Detroit: Wayne State University Press, Detroit, 1999

Bartolomé de las Casas, *A Short Account of the Destruction of the Indies*, Penguin, London, 1992

Francis Deng, *Africans of Two Worlds: The Dinka in Afro-Arab Sudan* Yale University Press, New Haven, 1978

Paul Moorcraft, Omar Al-Bashir and Africa's Longest War, Pen and Sword, Yorkshire, [https://books.google.nl/books?id=AIGuCAAQBAJ&pg=PA102&lpg=PA102&dq=dinka+retaliation+for+the+Bor+massacre&source=bl&ots=KDDYzylbP-&sig=XHQHvA\\_RkOcyxprngsllK3cJzHA&hl=en&sa=X&ved=0ahUKEwjh1qza97PNAhWsKMAKHeUqAVoQ6AEITDAI#v=onepage&q=dinka%20retaliation%20for%20the%20Bor%20massacre&f=false](https://books.google.nl/books?id=AIGuCAAQBAJ&pg=PA102&lpg=PA102&dq=dinka+retaliation+for+the+Bor+massacre&source=bl&ots=KDDYzylbP-&sig=XHQHvA_RkOcyxprngsllK3cJzHA&hl=en&sa=X&ved=0ahUKEwjh1qza97PNAhWsKMAKHeUqAVoQ6AEITDAI#v=onepage&q=dinka%20retaliation%20for%20the%20Bor%20massacre&f=false)

Gough Kathleen, Nuer kinship: A Re-examination. In *The translation of culture: Essays to E.E. Evans- Pritchard*. T.O. Beidelman (Ed), Tavistock Publications, London, 1971

David L. Nersessian, , *Genocide and Political Groups*, Oxford University Press, Oxford, 2010, Page 54, Para 4, [https://books.google.nl/books?id=ZC\\_7VDoY9swC&pg=PA54&lpg=PA54&dq=auto+genocide&source=bl&ots=WJbU-b0ptj&sig=EGC04xOW6y4Et95CUpnP8QRpc1Y&hl=en&sa=X&ved=0ahUKEwiCvYie2tPNAhUjJ8AKHWmzAPk4FBD0AQgjMAI#v=onepage&q=auto%20genocide&f=false](https://books.google.nl/books?id=ZC_7VDoY9swC&pg=PA54&lpg=PA54&dq=auto+genocide&source=bl&ots=WJbU-b0ptj&sig=EGC04xOW6y4Et95CUpnP8QRpc1Y&hl=en&sa=X&ved=0ahUKEwiCvYie2tPNAhUjJ8AKHWmzAPk4FBD0AQgjMAI#v=onepage&q=auto%20genocide&f=false)

Christian P. Scherrer, *Genocide and Crisis in Central Africa, Conflict Roots, Mass Violence and Regional War*, Praeger, London, 2002, Pages 329- 333, [https://books.google.nl/books?id=ceFlryEHTL4C&pg=PA331&lpg=PA331&dq=capitalism+leopold+congo+genocide&source=bl&ots=kpMwLmPMH\\_&sig=Qo3N\\_WAPInCULKv1zINGJsw4PjM&hl=en&sa=X&ved=0ahUKEwjo7NTs59PNAhVhDcAKHbFfAtUQ6AEIeTAS#v=onepage&q=capitalism%20leopold%20congo%20genocide&f=false](https://books.google.nl/books?id=ceFlryEHTL4C&pg=PA331&lpg=PA331&dq=capitalism+leopold+congo+genocide&source=bl&ots=kpMwLmPMH_&sig=Qo3N_WAPInCULKv1zINGJsw4PjM&hl=en&sa=X&ved=0ahUKEwjo7NTs59PNAhVhDcAKHbFfAtUQ6AEIeTAS#v=onepage&q=capitalism%20leopold%20congo%20genocide&f=false)

#### JOURNALS, SCHOLARLY AND UNIVERSITY PUBLICATIONS

Barbara Harrf, *No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955*, *American Political Science Review*, Vol. 97, No. 1 February 2003, Page 62, Paras 2,3 <https://www.jstor.org/stable/3118221>

Dr. Kasaija Phillip Apuuli, Explaining the (il)legality of Uganda's Intervention in the current South Sudan conflict, *African Security Review*, Routledge, 24/09/2014, Pages 2- 4, <https://paanluelwel2011.files.wordpress.com/2014/09/explaining-the-illegality-of-ugandas-intervention-in-south-sudan.pdf>

*Journal of Criminal Law and Criminology*, Volume 98, Issue 3, Spring, 2008, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7299&context=jclc>



Johan D. Van der Vyver, The International Criminal Court and the Concept of Mens Rea in International Criminal Law, 7/1/04, University of Miami, International and Comparative Law Review,  
<http://repository.law.miami.edu/cgi/viewcontent.cgi?article=1088&context=umiclr>

Prof. E.R. Jethro Gaede, The Cultural Implications of European Disease on New World Populations: With Primary Focus on the Abenaki, Powhatan, and Taino Groups, Scholar's Day Review, Volume 1,  
<http://web.monroecc.edu/manila/webfiles/scholarsday/5.RIVERAfinaldraft.pdf> accessed 2/7/16 at 5.12

H, Flanzbaum "The Americanisation of the Holocaust," Journal of Genocide Research, Vol 1, 1999,

David Moshman, Conceptual constraints on thinking about Genocide, Educational Psychology Papers and Publications, Educational Psychology Department of University of Nebraska, 12/1/01,  
<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1045&context=edpsychpapers>

Congo Free State, 1885-1908, [http://www.cis.yale.edu/gsp/colonial/belgian congo/](http://www.cis.yale.edu/gsp/colonial/belgian%20congo/)

The Roots and Prevention of Genocide and related Mass Violence, Doing Good, Doing Bad, Doing Nothing, Zygon, Journal of Religion and Science Vol. 47, No. 4 (December 2012) Page 822, Para 5  
<http://onlinelibrary.wiley.com.ezproxy.ub.unimaas.nl/doi/10.1111/j.1467-9744.2012.01302.x/epdf>

Ole Frahm, South Sudan: An Outlier In Postcolonial African Nation-Building?, Page 77, Para 1  
[https://www.academia.edu/11726050/South\\_Sudan\\_An\\_Outlier\\_in\\_Postcolonial\\_African\\_Nation-Building](https://www.academia.edu/11726050/South_Sudan_An_Outlier_in_Postcolonial_African_Nation-Building)

Evans-Pritchard, E. E. 1963. "The Zande State." The Journal of the Royal Anthropological Institute of Great Britain and Ireland 93(1)

Beswick, Stephanie. 1994. "Islam and the Dinka of the Southern Sudan from the pre-colonial period to independence (1956)." Journal of Asian and African Studies 29(3/4)

Jean Mukimbiri, The 7 Stages of the Rwandan Genocide, Page 825, Para 5  
<http://jicj.oxfordjournals.org.ezproxy.ub.unimaas.nl/content/3/4/823.full.pdf+html>, accessed 18/6/16

Madut Kon, Institutional Development, Governance, and Ethnic Politics in S.Sudan, Journal of Global Politics, 1/7/15, Paras 14,15, <http://www.esciencecentral.org/journals/institutional-development-governance-and-ethnic-politics-in-south-sudan-2375-4389-1000147.php?aid=57097>

Sharon Elaine Hutchinson, Nuer Ethnicity Militarised, Anthropology Today Vol.16 No 3, June 2000, <https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf>

Raul Hilberg , Review by: Harvey Rich, The Destruction of the European Jews, The Canadian Journal of Sociology Vol. 12, No. 4 (Winter, 1987), Page 398, Para 2 [http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/3340944?seq=1#page_scan_tab_contents)

Sharon Hutchinson, “A Guide to the Nuer of Jonglei State” University of Wisconsin-Madison, 2012

Ruth Milkman, American Journal of Sociology, Vol. 85, No. 5 (Mar., 1980), pp. 1306-1308, The University of Chicago Press, Page 1307, Para 3, [http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/pdf/2778927.pdf?\\_=1466351345964](http://www.jstor.org.ezproxy.ub.unimaas.nl/stable/pdf/2778927.pdf?_=1466351345964)

Ole Frahm, Defining the Nation; National Identity in S.Sudanese Media Discourse, German Institute of Global and Area Studies, Institute African Affairs in cooperation with the Dag Hammarskjold Foundation Uppsala and Hamburg University Press, Page 29, Para 4, <http://journals.sub.uni-hamburg.de/giga/afsp/article/view/519>

Nuer Ethnicity Militarised, Anthropology Today Vol.16 No 3, June 2000, <https://www.uio.no/studier/emner/sv/sai/SOSANT1200/h11/Hutchinson%20sosant%201200.pdf>

J.M Darley & B. Latane, Bystander Intervention in Emergencies; Diffusion of Responsibility, Journal of Personality and Social Psychology, 8(4)

Stephanie Saltzman, Never Say “Never Again”: The Confrontation of Genocide, <http://ejournals.bc.edu/ojs/index.php/freshink/article/view/1741/1618>

Scarification, The Pitt Rivers Museum, University of Oxford, England, 2011 <http://web.prm.ox.ac.uk/bodyarts/index.php/permanent-body-arts/scarification.html>

Mayank Bubna, South Sudan’s Militias, [www.enoughproject.org/files/SouthSudanReport.pdf](http://www.enoughproject.org/files/SouthSudanReport.pdf)

Making Sense of the White Army's Return in South Sudan, No. 1 / February 2015,  
<http://www.ssresourcecentre.org/wp-content/uploads/2015/02/CSG-Paper-1-Adeba-Feb-2015.pdf>

Chris Anderson, Genocide in Cambodia and East Timor, Action and Inaction : The Failures of the International Community in South East Asia's Genocides,  
[http://christopheranderson.ca/documents/christopher\\_anderson\\_-\\_genocide\\_in\\_cambodia\\_and\\_east\\_timor.pdf](http://christopheranderson.ca/documents/christopher_anderson_-_genocide_in_cambodia_and_east_timor.pdf)

Dr. David Patrick Houghton, Bystanders and Interventionists; Where and When do States intervene to stop Genocide, Social Science Research Network,  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1812485](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1812485)

#### PUBLICATIONS BY NEWS AGENCIES (INTERNATIONAL, REGIONAL AND SOUTH SUDANESE)

<http://www.bbc.com/news/world-africa-14069082>

<http://www.newsudanvision.com/sudan-news-stories-publisher/2813-understanding-the-tribal-political-and-economic-aspects-of-the-current-south-sudan-civil-war-and-their-complications-in-achieving-a-peaceful-lasting-solution>

<http://www.aljazeera.com/indepth/opinion/2014/02/tragedy-averted-uganda-involvement-201421516624107495.html>

<https://www.hrw.org/world-report/2015/country-chapters/south-sudan>

<http://www.theguardian.com/global-development/2015/oct/28/south-sudan-civil-war-human-suffering-children-displaced-famine>

<http://www.southsudannewsagency.com/opinion/analyses/how-president-kiir-failed-south-sudan>

<http://www.aljazeera.com/news/2015/10/au-report-finds-forced-cannibalism-rape-sudan-151028162544581.html>

Andrew Osborne, Belgium exhumes its colonial demons, 13/7/12,  
<https://www.theguardian.com/world/2002/jul/13/humanities.artsandhumanities> accessed 25/6/16 at 5.17

Louise Ridley, The Holocaust's Forgotten Victims: The 5 Million Non-Jewish People Killed by the Nazis, [http://www.huffingtonpost.co.uk/2016/01/25/non-jewish-holocaust-victims\\_n\\_6500948.html](http://www.huffingtonpost.co.uk/2016/01/25/non-jewish-holocaust-victims_n_6500948.html)

Jack Moore, European Parliament Recognises Killing of Religious Minorities as Genocide, 2/4/16, <http://europe.newsweek.com/european-parliament-recognizes-isis-killing-religious-minorities-genocide-423008?rm=eu>

Salva Kiir takes oath, grants amnesty to rebels, 10/7/11  
<http://www.sudantribune.com/spip.php?article39479>

Thon Agany Ayiei, The New Sudan Vision, Understanding the Tribal, Political and Economic Aspects of the current South Sudan civil war and their complications in achieving a peaceful, lasting solution, Para 14, <http://www.newsudanvision.com/sudan-news-stories-publisher/2813-understanding-the-tribal-political-and-economic-aspects-of-the-current-south-sudan-civil-war-and-their-complications-in-achieving-a-peaceful-lasting-solution> ,

Jacob Chol, The White Army and mythology in South Sudan political violence, 17/4/2016, <http://www.sudantribune.com/spip.php?article58655>

Nuer blame Kiir for being Underrepresented in National Cabinet, Para 5  
<http://www.sudantribune.com/spip.php?article58843>

Peter Balakian, Turkey must end its 100 years of genocide denial, 21/4/16  
<https://www.theguardian.com/commentisfree/2015/apr/21/turkey-100-years-genocide-denial-armenia> accessed 21/6/16 at 18.59

South Sudan downplays prospect of genocide, 3/5/2014,  
<http://www.sudantribune.com/spip.php?article50857>

John Kerry warns of South Sudan Genocide, 1/5/14, <http://www.bbc.com/news/world-africa-27245641>

Frederick Musisi, UPDF came to prevent a genocide - S. Sudan,9/1/2014,  
<http://www.monitor.co.ug/News/National/UPDF-came-to-prevent-a-genocide---S--Sudan/-/688334/2139294/-/aml7wez/-/index.html>

Behind Museveni's defiance of US, IGAD orders, 15/2/16,  
<http://www.theeastafrican.co.ke/news/-/2558/2208074/-/item/1/-/qfi40qz/-/index.html>

Kenya 'will not' send troops to South Sudan despite UN request, 22/2/2014,  
<http://www.nation.co.ke/news/Kenya-will-not-send-troops-to-South-Sudan/-/1056/2155956/-/hsyy0l/-/index.html>

#### OTHER RELEVANT ONLINE RESOURCES

<https://www.bible.com/bible/114/gen.6.nkjv>

<http://www.biblestudytools.com/parallel-bible/passage/?q=1-samuel+15&t=csb&t2=nkjv>

“A Crime without a Name”,  
<http://www.preventgenocide.org/genocide/crimewithoutaname.htm>

Bombings of Hiroshima and Nagasaki – 1945,  
<http://www.atomicheritage.org/history/bombings-hiroshima-and-nagasaki-1945>

Kok-Thay Eng, Redefining Genocide, Para 19,  
<http://www.genocidewatch.org/redefininggenocide.html>

Dan Tippens, Culture and Genocide: What Relationship?, 13/11/14, Para 29,  
<https://scientiasalon.wordpress.com/2014/11/13/culture-and-genocide-what-relationship/>

Elizabeth Laruni, Michelle McKenna, 26/2/14, Conflict in South Sudan: Civil War as a Political Weapon, <http://www.hscentre.org/sub-saharan-africa/conflict-in-south-sudan-civil-war-as-a-political-weapon/>

The Peoples and Traditions of South Sudan,  
<http://www.southsudanembassydc.org/inner.asp?z=5C5F>

Classification System in Nazi Concentration Camps,  
<https://www.ushmm.org/wlc/en/article.php?ModuleId=10005378>

*Membership of International organisations of S. Sudan*,  
<http://fortuneofafrica.com/southsudan/membership-of-international-organizations-of-south-sudan>

*S.Sudan set to develop on regional and international trade*, 26/7/2012,  
<http://www.sudantribune.com/spip.php?article43365>

Taylor W. Anderson, Sudan Facial Scarification,  
<https://sudanation.wordpress.com/2011/05/03/sudan-facial-scarification/>

The perception of a Dinka-dominated SPLM and government, Juba: Fears of Dinka domination drive rebel action and threaten long-term stability,  
<http://www.sidint.net/content/juba-fears-dinka-domination-drive-rebel-action-and-threaten-long-term-stability>

Uganda Ethnic Groups, <http://www.africa.upenn.edu/NEH/u-ethn.html>

<http://www.history.ac.uk/reviews/review/1809>

