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Keywords

Criminology, Darfur, Genocide, Rape, Comparative Law, Women

INTERNATIONAL CRIMINAL LAW IN THE 21ST CENTURY: THE CRIME OF GENOCIDE IN DARFUR

*Reviewed by Ethan R. Ice**

JOHN HAGAN & WENONA RYMOND-RICHMOND, *DARFUR AND THE CRIME OF GENOCIDE* (CAMBRIDGE UNIVERSITY PRESS, 2009).

I. INTRODUCTION

Since 2003, the genocide in Darfur, Sudan has claimed the lives of over 400,000 civilians, according to estimates provided by U.N. officials.¹ However, this is a number that has been hotly disputed by those on all sides of the conflict. Genocide itself, the deliberate and systematic destruction of an ethnic, religious, racial, political, or cultural group², is a consistently controversial topic, one that often leads to questions over whether the violence was indeed coordinated or random, whether the killing was discriminatorily motivated or simply arbitrary, whether the death toll was grossly overestimated or underestimated. In 2004, Secretary of State Colin Powell reviewed a study of several hundred interviews of Darfur refugees, leading him to testify before the United States Senate Foreign Relations Committee that genocide indeed occurred and may still be occurring in Darfur.³ This testimony, however, was met with a surprisingly reticent response by the United States and an explicit denial of any genocide by the Sudanese government, the United Nations, and other associated organizations.

To understand the reasons behind the violence that has transpired in Darfur, one must examine both the incidents that have occurred as well as the racial aspects of the conflict. Darfur is a region in western Sudan, the large northeastern African country that serves as home to both Arab groups as well as to Black

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1. UN NEWS SERVICE, *Annan Welcomes Extension of African Union Mission in Darfur*, Sept. 21, 2006, <http://huwu.org/apps/news/story.asp?NewsID=19948&Cr=sudan&Cr1=>.

2. Robert K. Hitchcock and Tara M. Twedt, *Physical and Cultural Genocide of Indigenous Peoples*, in *A CENTURY OF GENOCIDE: CRITICAL ESSAYS AND EYEWITNESS ACCOUNTS* 350 (Samuel Totten & William S. Parsons eds., 2008).

3. United States Secretary of State Colin L. Powell, Address to United States Senate Foreign Relations Committee: The Crisis in Darfur (Sept. 9, 2004), *available at* <http://www.us-mission.ch/press2004/0910CrisisinDarfur.htm>.

African groups. In recent years, the Sudanese state has employed various "Arab-Islamic supremacist and demonizing policies that pit Arabs and Blacks against one another in an 'us' and 'them' kind of conflict."⁴ In a sub-Saharan region where resources are extremely limited, growing competition for land and basic necessities has only furthered this divergence between the groups of Arab nomadic herders and Black African farmers.⁵ The central Sudanese government has accused the Fur, Jebel, Masalit, and Zaghwa African tribes of promoting rebellious actions and violence. Yet this same government is founded upon Arab-Islamic principles that dehumanize Black ethnic groups and has consequently supported violent action against them by the Janjaweed, an Arab militia group that is supported, funded, and directed by the Sudanese government.⁶ The Janjaweed has been at the center of the Darfur crisis, leading a series of calculated and atrocious attacks against the Black ethnic groups of Darfur since 2003. Through the accounts of many surviving refugees, it is obvious that villages were destroyed, thousands of people were brutally murdered, and many women were raped by the racially-motivated actions of the Janjaweed and other joint attacks involving the Sudanese government. This is not simply a war over strict economics; the actions of the Janjaweed and the Sudanese government have clearly established it as genocidal victimization of Black African groups in Darfur. Despite the high level of media exposure and strength of the response by civil society, however, both the United States and the rest of the world have been surprisingly slow in acknowledging and responding to this horrific genocide that has been occurring since 2003.⁷

In *Darfur and the Crime of Genocide*, sociologists John Hagan and Wenona Raymond-Richmond (the authors) focus on three central questions: (1) why is the United States so ambivalent about genocide?; (2) why do so many scholars deemphasize racial aspects of genocide?; and (3) how can the science of criminology advance understanding and protection against genocide?⁸ This book note examines all three questions in relation to the recent genocide in Darfur.

II. THE AMBIVALENCE OF THE UNITED STATES TOWARDS GENOCIDE

Much of the information that the authors use to establish their claims is based on the very same account on which Colin Powell based his testimony when addressing the Senate Foreign Relations Committee—the 2004 report titled *Documenting Atrocities in Darfur*.⁹ This report was established from a survey of 1,136 Darfur refugees who fled to neighboring Chad during the aftermath of the initial violence, and included tables, maps, charts, and pictures derived from those

4. JOHN HAGAN & WENONA RYMOND-RICHMOND, *DARFUR AND THE CRIME OF GENOCIDE* 5 (2009).

5. *Id.*

6. Column Lynch, *Rights Group Says Sudan's Government Aided Militias*, WASH. POST, July 20, 2004, at A12. See also HAGAN & RYMOND-RICHMOND, *supra* note 4, at 221.

7. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 1.

8. *Id.* at introduction.

9. U.S. Department of State, *Documenting Atrocities in Darfur, Human Rights, and Labor and Bureau of Intelligence and Research*, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR (2004).

interviews.¹⁰ In Chapter 5, *Eyewitnessing Genocide*, and Chapter 1, *Darfur Crime Scenes*, the authors evaluated the validity and reliability of this report by performing their own interviews and cross-checking overlapping eyewitness accounts to confirm the incidents. All refugee interviews provided a “genocidal trove of evidence.”¹¹ Between maps of locations of mass graves, descriptions of weapons, and names of dead and raped victims as well as Janjaweed militia leaders, the interviews frequently confirmed the atrocities to a stunningly detailed degree.¹²

Using the interviews in the *Documenting Atrocities* report, Hagan and Raymond-Richmond were able to identify five key elements fostering or causing a genocidal pattern. Many of the refugees confirmed that tension between Arabs and Blacks had been on the rise before the Sudanese government began to actively encourage and support violence against Blacks. Many refugees also noted that the government specifically armed the Arab Janjaweed militias with weapons and horses, leading many to conclude that “the government does not want Blacks to live in Darfur because they give Arabs weapons to attack us.”¹³ A third element was the accounts of the Sudanese government bombing the Darfur villages—aircraft and helicopter attacks that could last days, weeks, and even months. Fourth, most of the refugees described carefully planned joint ground attacks, often coordinated with the bombing assaults that were specifically focused towards mechanically killing only Black villagers.¹⁴ Ultimately, these efforts sought to “root out” the Black ethnicity from the future population. Those that were not killed faced starvation as they had lost all their possessions and feared returning to their villages. Finally, refugees often described racial epithets being shouted by the Janjaweed that explicitly targeted only Black ethnic groups.¹⁵ To Colin Powell, these five elements collectively corroborated the “specific intent of the perpetrators to destroy ‘a group in whole or in part,’ the words of the [Genocide] Convention.”¹⁶

So how, the authors ask, could the United States remain indecisive to these genocidal atrocities in the face of this massive amount of evidence? Despite Powell’s urging of the international community to prevent and suppress acts of genocide, the United States remained very restrained after the issuance of the U.S. Department of State’s report. Secretary Powell requested more African Union troops, and President Bush called for a UN investigation into the crimes in Darfur. Other than making these two high-profile overtures to the international community, the United States did little other than offer humanitarian health assistance. According to the authors, the United States’ ambivalence can be

10. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 79.

11. *Id.* at 3.

12. *Id.*

13. *Id.* at 6.

14. *Id.* at 7.

15. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 7.

16. Powell, *supra* note 3.

directly attributed to the U.S. government's use of so-called "flip-flop diplomacy" when considering the survey evidence of Darfur refugees.

The authors explain in Chapter 5, *Flip-Flopping on Darfur*, that the United States' flip-flop diplomacy was the outcome of a complex and confusing political situation.¹⁷ Initially, the United States estimated the mortality rate in Darfur from the U.S. Atrocities Documentation Survey (ADS), an American survey plan that randomly chose a starting point in each camp or settlement, and from there selected every tenth dwelling unit for interview.¹⁸ This resulted in the final 1,136 sampled households, which were used as a generally accurate basis for the final estimation of mortality.¹⁹ This was not the only survey conducted, however. The World Health Organization (WHO) conducted its own survey based on studies in the internal displacement camps in Darfur to measure the mortality rate. The two surveys, however, proved to be very different. Health organizations, especially in a poverty-stricken area such as Darfur, "focus on immediate and ongoing challenges of disease and malnutrition," and are "less concerned with past violence that leads to displaced persons to flee camps in the first place."²⁰ The WHO estimate only provided an accurate mortality estimate for those deaths related to the health problems within the refugee camps, but did not collect mortality data relating to deaths resulting from the many attacks that occurred before the actual displacement. Thus, the WHO estimate, the estimate used by the United Nations and other international organizations, dramatically underestimated the true mortality rate of Darfur.

Inexplicably, the U.S. State Department eventually started to shift its focus from its own ADS study estimates to the WHO studies that ultimately underreported violent deaths and produced a lower estimate of mortality in Darfur. Major news organizations followed suit and started to report these "tens of thousands" estimates instead of the likely more accurate "hundreds of thousands" figures.²¹ Why did this happen? The authors explain the United States' flip-flopping as a result of the U.S. government's desire to ensure a relationship with Sudan. At this time, one of the United States' main goals was to secure Sudan's cooperation in the war on terror. In fact, the U.S. State Department privately met with Sudanese government intelligence chief, Major General Salah Abdallah Gosh, to discuss the degree of Sudan's possible assistance with the United States during the exact time that U.S. newspapers started publishing the lower mortality estimates similar to WHO's estimates.²² President Bush thereafter did not mention the Darfur genocide for a period of more than four months in 2005, and the government adopted new and lower mortality estimates based on new surveys that questionably relied heavily on unreferenced sources.²³

17. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 79.

18. *Id.*

19. *Id.* at 82.

20. *Id.* at 83.

21. *Id.* at 87.

22. *Id.* at 88.

23. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 89.

While Gosh himself had been previously linked by Congress to the Sudanese military attacks on Darfur, the authors point out that it is more than likely that the newly reduced mortality estimates and suspended references to the Darfur genocide were part of the cooperative agreement between the United States and Sudan.²⁴ As the authors state in Chapter 5, "Washington bureaucrats turned a blind eye towards the policy of the authorities in [Sudan], mainly in the hope of securing their support for American goals in the Middle East."²⁵

III. SCHOLARS' DEEMPHASIZING OF THE RACIAL ASPECTS OF GENOCIDE

Beginning in Chapter 1, *Darfur Crime Scenes*, the authors also question why many scholars dismiss the racial aspects of conflict as a precursor to genocide when, they argue, racial issues were key to understanding the nature and extent of the violence in Darfur.²⁶ In fact, then-U.N. High Commissioner of Human Rights Louise Arbour was hesitant to charge Sudanese officials with the genocide in the International Criminal Court, claiming that "[t]he difference between genocide and crimes against humanity such as extermination, murder, rape, torture, and persecution is merely a matter of whether it was intended to target a specific ethnic group for elimination."²⁷ In other words, the United Nations initially refused to make the claim of genocide because they argued that the genocidal intent was missing "as far as the central government authorities are concerned."²⁸ The authors, however, disagree and claim that a government's collective elements of racial targeting or racial intent can ultimately lead to genocidal intent, especially when found in conjunction with other material motivations.

In Chapter 6, *The Rolling Genocide*, and Chapter 7, *The Racial Spark*, the authors successfully link the idea of collective racial intent and behaviors to the basic concepts of genocide.²⁹ According to Article II of the Genocide Convention, genocide can refer to: (1) killing members of a group, (2) causing serious bodily or mental harm to members of the group, (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, (4) imposing measures intended to prevent births within the group, and (5) forcibly transferring children of the group to another group.³⁰ Any of these five acts can be considered genocide if they are committed with the intent to destroy, in whole or in part, a national, ethnic, religious, or *racial* group.³¹ The authors point out that the actions of the Janjaweed and Arab government are all variants of the five acts of genocide, and that the elements of racial intent can easily be blended within the common

24. *Id.*

25. *Id.*, quoting John Burton, *Development and Cultural Genocide in the Sudan*, 29 J. MODERN AFR. STUD. 511, 520 (1991).

26. *Id.* at 1.

27. Anne Richardson, *Sudan Must Be Told to Stop Darfur Crimes*, REUTERS, Mar. 13, 2007, at 1.

28. CBC News, *Sudan's Mass Killing's Not Genocide: UN Report*, CBC NEWS, Feb. 1, 2005, <http://www.cbc.ca/world/story/2005/02/01/newdarfur-report050201.html>.

29. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 137, 161.

30. Convention on the Prevention and Punishment for the Crime of Genocide art. 2, Jan. 12, 1951, 102 Stat. 3045, 78 U.N.T.S. 277 [hereinafter Genocide Convention].

31. Genocide Convention art. 2, Jan. 12, 1951, 102 Stat. 3045, 78 U.N.T.S. 277.

intent of genocide—after all, intent is a necessary element of both racist targeting and genocide. Additionally, as previously described, conflicts between competing groups for resources can escalate into extreme violence when coupled with the incitement of racial animosity. Competition for natural resources had existed in Darfur for quite some time; it is unlikely that the group acrimony escalated to genocide only due to the desire of acquiring more economic goods or land. These cases of extreme violence needed something more, such as collective racial animosity, to bring it to the point of genocide.

But what causes this extreme racial divide? The authors point out that the Sudanese government, through manipulative tactics and unfair policies, actively strove to foster a sense of collective racial hatred against the Blacks among the various non-Black ethnic groups.³² Identities in Darfur were often confusing; most groups practiced Islam, held similar economic statuses, and often overlapped in skin tones.³³ Only when a clear racial classification was imposed by the government did a more severe stigmatization of the Blacks develop among the non-Black ethnic groups. This happened when Sudanese President Omar al-Bashir consistently singled out *all* the Black ethnic groups of Darfur as “Zourga,” a derogatory racial slur for Black ethnic group members.³⁴ As the authors point out, “[e]thnic group identities tend to be plural, whereas racial identity tends to be binary, and ethnic identities tend to be developed by the groups themselves, whereas racial group identity is often imposed by others.”³⁵ By using this dehumanizing term in a public forum and hinting that they wanted to end the history of these Black groups, the government effectively brought the separation of groups and discrimination to a new level, setting the scene for genocide.

This racial animosity was fostered before the violence began and continued through the genocide. Racial slurs directed towards dehumanizing and exterminating Black ethnic groups were constantly shouted during the attacks. Black women were specifically targeted for violent rape, and many Black people, including women and children, were brutally murdered while being assailed with harsh and derogatory racial slurs. When these kinds of racial epithets are unleashed upon a group during extreme violent acts, “the violence earns the adjective genocidal.”³⁶ It is obvious that the government’s use of racial discrimination was a central focus to “organizing the targeting of killings, rapes, displacement, and destruction of these groups,”³⁷ and it is an aspect of any conflict that should be considered in all future incidents of genocide.

Unfortunately, at the time of this writing the prosecutors in the Darfur genocide have still not clearly differentiated the meanings of ethnicity and race in the crisis. While this would appear to be a classic case of ethnic targeting, the prosecutors have failed to mention or show the “explicitness or extensiveness of

32. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 5.

33. *Id.* at xxi.

34. *Id.* at xxii.

35. *Id.*

36. *Id.* at 167.

37. HAGAN & RYMOND-RICHMOND, *supra* note 4, at xxi.

the government's use of race" to carry out their plans.³⁸

IV. HOW CRIMINOLOGY CAN ADVANCE UNDERSTANDING AND PROTECTION AGAINST GENOCIDE

In Chapter 2, *The Crime of Crimes*, and Chapter 3, *While Criminology Slept*, the authors stress that international criminal law must make several changes concerning the way we study and approach genocide.³⁹ While past incidents of genocide have often been covered by war crimes tribunals and other international policies, many of the basic ideas of criminology have been ignored or underutilized in this realm. Why has the field of criminology avoided genocide for so long? After all, the genocide in Darfur was a readily evident common criminal conspiracy and enterprise designed with a common purpose. By studying the situation that occurred in Darfur, scholars of the science of criminology should be able to recognize and respond to future genocidal events in a more proficient and organized manner.

The authors specifically note that the methods of determining the scale of atrocities must become more accurate and uniform.⁴⁰ While humanitarian groups such as WHO often provide important data regarding illness and nutritional needs associated with genocide, these figures are inadequate for determining the true mortality rate of genocide.⁴¹ Rather, the authors emphasize that the United States' original ADS approach, the crime victimization approach, is much more accurate in analyzing the number of deaths in a community.⁴² In fact, the authors take this one step further. Towards the end of *Darfur and the Crime of Genocide*, the authors include an appendix offering genocidal statistics on Darfur. By using a complex hierarchical linear model of statistics, the authors use their already arguably more representative estimates to account for the non-independence of observations within settlements and allow for the simultaneous estimation of mortality for those within settlements versus those between settlements.⁴³ Essentially, the authors' use of statistics allows them to attain the most accurate inferences and patterns of genocidal behavior while also comparing the frequency of various genocidal actions against each other. In a crime such as genocide where sheer numbers are central to establishing the scale of the crisis and projecting the consequent degree of outside help that it might receive, it is critically important that the most accurate and reliable methods are used to attain the estimates.

The authors also note that the criminology of genocide should "demonstrate and explain the role of state-led and organized intentions in driving the fanatical fury and frenzy of genocidal killing and rape."⁴⁴ In the instance of Darfur, the government capitalized upon the already desperate rivalry between the African

38. *Id.*

39. *Id.* at 31, 57.

40. *Id.* at 220-21.

41. *Id.* at 221.

42. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 221.

43. *Id.* at 223.

44. *Id.* at 221.

farmers and Arab herdsmen caused by harsh environmental conditions. By fostering an atmosphere of racial enmity in order to kill and destroy the lives of the Black ethnic groups, the Sudanese government simply manipulated and exacerbated feelings that had existed long before the genocide occurred.⁴⁵ The Arabs of Darfur essentially became pawns in the vicious governmental Islamic ideology that dehumanized Black African groups. The authors emphasize that future criminologists must be able to recognize aspects of state-led policies and actions involving war and crime that bear the *actus reus* and *mens rea* of genocidal crimes.

Finally, in Chapter 9, *Global Shadows*, the authors call attention to the fact that the international public must be more knowledgeable and aware of the elements of genocide for genocide criminology to succeed.⁴⁶ While Darfur might seem far away, we must hope that the institutions of international criminal law can “see common themes as well as differences”⁴⁷ between Darfur and their own communities, and strive to “narrow the distance between the troubled settings of the [Global] North and [Global] South.”⁴⁸ In other words, we must *learn* all we can about the horrible atrocities in Darfur. For the first time in history, surveys, narratives, and extensive interviews were conducted *during* an ongoing genocide.⁴⁹ This valuable evidence and the methods used to acquire it must be used to promote public awareness concerning the composition and consequences of a genocide such as that in Darfur. The lack of action on the part of the United Nations and the United States shows that even large organizations may exhibit a lack of willingness to intervene. This new knowledge must be used to increase all world communities’ “collective efficacy” in monitoring and controlling crime victimization.⁵⁰

V. CONCLUSION

As *Darfur and the Crime of Genocide* went to press in February 2009, Prosecutor Louis Moreno Ocampo of the International Criminal Court requested that the court issue arrest warrants charging Sudan president al-Bashir with genocide, crimes against humanity, and war crimes.⁵¹ And yet, even in light of the large amount of evidence documenting these atrocities, there was still strong opposition to the genocide charge from the United Nations, the United States, and even the Prosecutor’s own office.⁵² Ultimately, Prosecutor Moreno Ocampo was

45. *Id.*

46. *Id.* at 193.

47. HAGAN & RYMOND-RICHMOND, *supra* note 4, at 217.

48. *Id.* at 218.

49. *Id.* at 220.

50. *Id.* at 219.

51. Xan Rice, *Sudanese president Bashir faces Darfur arrest warrant*, THE GUARDIAN, March 4, 2009, available at <http://www.guardian.co.uk/world/2009/mar/04/darfur-sudan-bashir-arrest>.

52. HAGAN & RYMOND-RICHMOND, *supra* note 4, at xxi. While the United Nations still remains opposed to the genocide charge, the organization has admitted that it might have initially underestimated the Darfur death toll by more than fifty percent. CNN NEWS, *U.N.: 100,000 More Dead in Darfur than Anticipated*, April 22, 2008, http://www.cnn.com/2008/WORLD/africa/04/22/darfur.holmes/index.html?eref=rss_topstories.

convinced by the very same kind of evidence presented in this book that the Sudanese government, led by al-Bashir, strategically coordinated a series of attacks with the intention of genocidal group destruction. For those clamoring for immediate justice, however, a trial occurring soon seems remote as Sudan rejects the International Criminal Court's jurisdiction.⁵³ Nonetheless, this charge is not all for naught. Scholars point out that al-Bashir will most likely not be able to travel to western countries without facing arrest, thus hampering his travelling ability and effectively imprisoning him in his own country and those countries strongly allied with Sudan permanently.⁵⁴

Based on what we have seen in Darfur, authors John Hagan and Wenona Rymond-Richmond make a convincing argument that the development of genocide criminology is much needed and noticeably overdue. However, it is important to note that the authors are not the first to draw the connection between genocide and criminology; other publications have previously discussed the subject, albeit to a lesser degree of detail.⁵⁵ While other works have only briefly touched upon the connection between criminology and genocide, Hagan and Rymond-Richmond discuss this relationship more extensively, distinctively examining the benefits of criminology in this area and how the international community can specifically utilize the various areas of this science to aid future genocidal studies. Thus, it is not fair to say that criminologists have effectively ignored or failed to apply their analytical frameworks to the crime of genocide in the past; rather, it is more accurate to say that previous authors have failed to apply criminology to genocide as thoroughly and in as great of detail as Hagan and Rymond-Richmond have done so in their book. Furthermore, it seems that the authors have spearheaded a recent interest towards this subject—the June 2009 issue of *International Criminal*

53. Peter Walker and James Sturcke, *Darfur Genocide Charges for Sudanese President Omar al-Bashir*, THE GUARDIAN, July 14, 2008, available at <http://www.guardian.co.uk/world/2008/jul/14/sudan.warcrimes1?gusrc=rss&feed=worldnews>.

54. CBC News, *Sudanese President Charged with Genocide*, July 14, 2008, <http://www.cbc.ca/world/story/2008/07/14/bashir-icc-charges.html>. Despite the issuance of the ICC's arrest warrant, al-Bashir has shown little fear in visiting neighboring countries that are strongly allied with Sudan, as evidenced by his short visits to Egypt, Libya, Saudi Arabia, Qatar, Eritrea, and Ethiopia in March 2009, and Nigeria in October 2009. *A Waltz with Bashir*, TIME, April 13, 2009, at 12; Press Release, Amnesty Int'l, *Al-Bashir Visit to Egypt is a Missed Opportunity to Enforce Justice*, (Mar. 25, 2009), <http://www.amnesty.org/en/news-and-updates/news/al-bashir-visit-egypt-missed-opportunity-enforce-justice-20090325>; Press Release, Amnesty Int'l, *Nigerian Government Must Arrest Sudanese President during Visit* (Oct. 23, 2009), <http://www.amnesty.org/en/news-and-updates/news/nigerian-government-must-arrest-sudanese-president-during-visit-20091023>. Amnesty International has subsequently criticized the failure of host countries to honor the ICC warrant and arrest al-Bashir. Press Release, Amnesty Int'l, *Turkey: No to Safe Haven for Fugitive from International Justice* (Nov. 6, 2009), <http://www.amnesty.org/en/news-and-updates/news/turkey-no-safe-haven-fugitive-international-justice-20091106>.

55. See Wayne Morrison, *Criminology, Genocide, and Modernity; Remarks on the Companion that Criminology Ignored*, in COLIN SUMNER, THE BLACKWELL COMPANION TO CRIMINOLOGY 68 (2004). See also generally CAROLINE FOURNET, THE CRIME OF DESTRUCTION AND THE LAW OF GENOCIDE: THEIR IMPACT ON COLLECTIVE MEMORY (2007); L. Edward Day and Margaret Vandiver, *Criminology and Genocide Studies; Notes on What Might Have Been and What Could Still Be*, 34 CRIM., L., AND SOC. CHANGE 43 (2004).

Justice Review has devoted an entire, seven-article issue specifically to genocide in the context of criminology.⁵⁶

There are good reasons for this recent discussion of the subject. Criminology can explain the social mechanisms that led to the events in Darfur, and can offer important evidence for the legal and political processes that are intended to assign accountability for such criminal acts. More accurate methods of calculating empirical evidence such as mortality rate as well as increased public awareness of how state-led organizations can manipulate others to commit atrocities can only help organizations such as the International Criminal Court learn more about genocide and how to approach it in the future. By acknowledging and anticipating issues such as racial motivations, state-driven influence, and possible flip-flopping of other nations' policies, the science of criminology can be developed to not only halt ongoing incidents of genocidal violence, punishing those where needed, but also to deflect or obviate incipient problems.

Unfortunately, this desired improvement in criminology will have come too late for many of the people of Darfur. The prospect of restoring the Fur, Jebel, Masalit, and Zaghwa tribes seems extremely distant at this time, and the violence, while subsided, continues on to this day. The surviving Darfur tribes have lost nearly all of their possessions, are understandably terrified to return to their former villages, and are only surviving due to food provided by international humanitarian organizations.⁵⁷ For all our previous mistakes, authors John Hagan and Wenona Rymond-Richmond have explained in *Darfur and the Crime of Genocide* how the knowledge and experience gained from the Darfur genocide can help us recognize and prevent atrocities like these in the future. It is now up to us and the world of international law to make sure that their time and efforts were not wasted.

56. See generally John Winterdyk, *Genocide: International Issues and Perspectives Worthy of Criminal Justice Attention*, 19 INT'L CRIM. JUST. REV. 101 (2009); John Quigley, *Genocide: A Useful Legal Category*, 19 INT'L CRIM. JUST. REV. 115 (2009); Caroline Fournet, *The Universality and the Prohibition of the Crime of Genocide, 1948-2008*, 19 INT'L CRIM. JUST. REV. 132 (2009); Marianne L. Wade, *Genocide: The Criminal Law Between Truth and Justice*, 19 INT'L CRIM. JUST. REV. 150 (2009); John R. Cencich, *International Criminal Investigations of Genocide and Crimes Against Humanity: A War Crimes Investigator's Perspective*; Augustine Brannigan and Nicholas A. Jones, *Genocide and the Legal Process in Rwanda: From Genocide Amnesty to the New Rule of Law*, 19 INT'L CRIM. JUST. REV. 192 (2009); Catrien Bijleveld, Aafke Morssinkhof, and Alette Smeulers, *Counting the Countless: Rape Victimization During the Rwandan Genocide*, 19 INT'L CRIM. JUST. REV. 208 (2009).

57. *Id.*