

Sudan

idation that made Germans who did not share Nazi views reluctant to protest.

Although Streicher called for the annihilation of the Jews as early as the 1920s, such calls increased dramatically once the war began. One of his children's books, published in 1940, stated: "[T]he Jewish question will only be solved when Jewry is destroyed" (Hiemer, 1940, p. 74). He made many similar comments in *Der Stürmer*.

Many Germans found Streicher's material and style repellent, but he was widely appreciated by the worst anti-Semitic elements. More than that, he provided a convenient excuse for others, who could justify their anti-Jewish attitudes by thinking that they were less crude than Streicher's.

Streicher was tried by the Nuremberg International Military Tribunal after the war, along with other such leading Nazis as Hermann Göring and Albert Speer, and sentenced to death by hanging for the widespread effects of his anti-Semitic propaganda. Although the court concluded that Streicher played no direct role in the Holocaust, it found that his propaganda was a crime against humanity that set the stage for Nazi genocide.

**SEE ALSO** Anti-Semitism; Derstürmer; Nuremberg Trials; Propaganda

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**Randall L. Bywerk**

## Sudan

Although the first recorded account of the acquisition of slaves from the Sudan was inscribed in stone near the second cataract of the Nile during the reign of Egypt's First Dynasty Pharaoh Djer (c. 2900 BCE), the modern history of slavery in the Nile basin begins with the conquest of the Sudan by Muhammad Ali of Egypt in 1821 and the enslavement of Africans in the southern Sudan by Muslim Arabs from the north. Thereafter and throughout the nineteenth century, a well-organized slave trade provided thousands of African slaves for Egypt and the Middle East until the Sudanese revolu-

tion by the Mahdi in 1881. After the conquest of the Sudan by Anglo-Egyptian forces in 1898 British administrators curtailed the slave trade, but slavery in a variety of forms continued. The independence of the Sudan in 1956 brought to a head the deep tensions between the African traditionalist and Christian southern Sudanese and the northern Sudanese oriented to the Arab world and Islam. Their irreconcilable differences in culture, religion, and race precipitated a fifty-year spiral of violence that had revived the slave trade and slavery, killed more than two million southern Sudanese, and produced another four million refugees by ethnic cleansing, war, famine, and accusations of genocide.

#### The Turkiyya, 1821 to 1881

After his imperial conquests in the Levant and Arabia, the Turkish Viceroy of Egypt, Muhammad Ali Pasha (1769–1849), conquered the Sudan in 1821 to seek gold for his treasury, and territory to enlarge his personal empire, but primarily to acquire slaves for his army. He made this quite clear to his commander. "You are aware that the end of all our effort and this expense is to procure Negroes. Please show zeal in carrying out our wishes in this capital manner" (Hill, 1959, p. 13).

The Turco-Egyptian administration (known as the *Turkiyya*) immediately organized the systematic acquisition of slaves demanded by the viceroy. When the number of slaves that were remitted in place of taxes by the northern Muslim Sudanese proved insufficient, the government resorted to the slave raid, the infamous *razzia*, to seize non-Muslim Africans on the Kordofan and Ethiopian borderlands.

The *razzia* soon became an annual event, yielding thousands of slaves to be sent to Egypt by the officials who often subjected them to sadistic abuses and brutal atrocities similar to those that have been reported by the Human Rights Watch and Amnesty International in the contemporary Sudan. In Kordofan at Taqali alone, five thousand slaves were seized in 1839. In 1854 the Egyptian viceroy, Muhammad Sa'id, succumbed to European pressure and abolished the government slave raids, but his decree was studiously ignored by private traders in the Sudan. In the early twenty-first century the government of Umar Hasan Ahmad al-Bashir in the Sudan has issued similar declarations that are disregarded by those over whom his administration exercises little or no authority, but who benefit from so-called abductions, the trade in slaves. In the mid-nineteenth century the demand from the Ottoman world for Sudanese slaves became inexhaustible and soon focused the attention of European abolitionists on the Nilotic slave trade in the southern Sudan.

The great swamps of the Nile (*sudd*) had first been penetrated in 1841, and thereafter the whole of the

Upper Nile basin was opened to Sudanese from the north. The isolated African southern Sudanese then became exposed to the designs of private entrepreneurs of every ethnicity—Turk, Arab, European, Sudanese. Known as Khartoumers, these adventurers flocked to the Sudan to organize the corporate ivory and slave trade. These were well-financed companies equipped with a fleet of boats on the Nile and forts (*zariba*) throughout the southern Sudan from which their armed retainers (*bazinqir*) sallied forth to raid for slaves. By the 1860s regular contingents of slaves were exported annually from the Bahr al-Ghazal and Upper Nile.

This dynamic intervention by the Khartoumers created a spiral of violence that overwhelmed the southern Sudanese 150 years before the same destructive process devastated them at the end of the twentieth century. The merchant princes were accompanied by the *jallaba*, petty traders, who seized the few who fled from the *razzia* to engage in small trades that increased the volume and profits of their trade to the annoyance of the principal merchants. Like past and present governments in the Sudan, the Khartoumers played the internal rivalries of the southern Sudanese to their advantage. The African allies of the Khartoumers would acquire cattle and grain from a troublesome neighbor; the merchants would obtain ivory and captives as slaves. This expedient and mutually profitable association during the reign of the *Turkiyya* established the fundamental relationship between the interlopers—Turks, Egyptians, British, Sudanese—and the southern Sudanese characterized by the exploitation of historic, local animosities to achieve economic and political control in return for ivory and slaves. The historic pattern continued into the twenty-first century with the 2004 government of the Sudan unabashedly manipulating rival factions in the southern Sudanese liberation movements. In 1868 the Khartoumers exported an estimated 15,000 slaves down the Nile and another 2,000 overland through Kordofan: the 30,000 transported in 1876 were more of an anomaly than the average. Within the Sudan a quarter of the population in the nineteenth century is estimated to have been of slave origins.

When Ismail Pasha became the Khedive of Egypt in 1863, he was determined to modernize Egypt and borrowed heavily from European bankers to build railways, hospitals, palaces, and the Suez Canal. He was soon deeply in debt while at the same time under intense pressure from the European abolitionist movements and their governments to end the Nilotic slave trade, but he could not realistically expect officials in the Sudan or the powerful Khartoumers to abandon a



Map of Sudan. [COURTESY OF BRILL ACADEMIC PUBLISHERS]

highly profitable slave trade. He, therefore, turned to Christian administrators with no ethnic or cultural ties to the Turco-Egyptian officials, merchant princes, or Muslim Sudanese. He appointed as governor-general of the Sudan Charles “Chinese” Gordon (1833–1885), the British military leader of the victorious army in China. Gordon recruited Christian Italian, German, and British adventurers as provincial administrators. By 1879 they had crushed the corporate slave trade, but not before the khedive himself was forced to abdicate because of his profligate spending. The administration of the Sudan was then controlled by Christians, the prosperous slave trade had collapsed, and in their despair over these developments the Sudanese surmised that Islam as practiced by their Turco-Egyptian rulers was as corrupt as their secular involvement in the slave trade.

#### The Mahdiyya: 1881 to 1898

In 1881 Muhammad Ahmad (1848–1885) declared himself to be the long-awaited Mahdi whose revolutionary cause was to dispel the religious practices of the Turks and their Christian surrogates and inaugurate a new age of Islamic righteousness. The Mahdi’s divine mission was to return Sudanese Islam to the fundamental Principles of the Prophet that included strong elements of *Sufishm*, Islamic mysticism. The Sudanese en-

thusiastically rallied behind Ahmad's message and became his devoted followers (*Ansar*). They defeated the Turco-Egyptian military expeditions dispatched to fight them, culminating in victories in January 1885 when the Mahdi's forces stormed Khartoum and killed Governor-General Gordon, making him one of Britain's most famous military martyrs.

When the Mahdi died six months after his triumph at Khartoum, his successor, the Khalifa 'Abd Allahi Muhammad Turshain (1846–1899), refused to restore the power of the great slavers that was disrupted by the Mahdi's messianic revolution. The slave trade was continued by the jallaba, who conducted their still thriving exchange of slaves in village markets (*suqs*). The primary interest of the khalifa in slavery, like that of Muhammad Ali, was not commercial but military—slaves for his loyal pretorian guard (*mulazimiyya*), ten thousand strong; it consisted of slaves from the jihadiyya troops of the Turks and the bazinqir irregular mercenaries of the Khartoumers. Two expeditions were sent into the southern Sudan for slaves, but the first was recalled immediately after the death of the Mahdi and the second, dispatched to the Upper Nile in 1888, limited its operations to occasional razzia. The British then controlled Egypt and the Red Sea, so the means to organize and transport slaves to the markets of the Middle East no longer existed. Compared to the raids for slaves during the reign of the *Turkiyya*, the brief decades of *Mahdiyya* rule were halcyon years for the southern Sudanese.

#### **The Anglo-Egyptian Condominium: 1898 to 1956**

On September 2, 1898, the Mahdist state came to an end after the disastrous defeat of the Sudanese army of the Khalifa 'Abd Allahi by Anglo-Egyptian forces under the command of General Sir H. H. Kitchener. The abolition of the slave trade and slavery in the Sudan received overwhelming support from the British people, parliament, and abolitionists. It became one of the most powerful arguments for committing British forces to the conquest of Sudan. Article 11 of the 1899 agreement with Egypt that established the Anglo-Egyptian Condominium made the distinction, however, between the institution of slavery and the slave trade in the Sudan. British officials were not about to disrupt the social order of the Sudan by prohibiting slavery, but they were determined to eliminate the slave trade. From 1899 until its dissolution in 1922, the Department for the Repression of the Slave Trade (the Slavery Department) effectively eliminated any open practice of the trade. This was followed by the legal end of slavery when the Sudanese government signed the Slavery Convention at the League of Nations (1926), an action acknowledged and supported by all governments of the independent Sudan.

#### **Independent Sudan: Since 1956**

The declaration of an independent Sudan on January 1, 1956, and the departure of British officials did not result in any resurgence of slavery, which had been contained but not completely eliminated. The peaceful transfer of power, however, was marred by the mutiny of the Equatorial Corps of the Sudan Defense Force in the southern Sudan. The mutiny was suppressed, but it ignited the longest civil war in any country in the twentieth century, one that has continued into the twenty-first century. From its beginnings in 1955 the southern insurgency has become a symbol of the antagonism created by the nineteenth-century reality of slavery and the twentieth-century perceptions of racism among Arabs from the north who regarded the southern Sudanese as slaves (*'abid*) or property (*malkiyya*). Reports issued by the United Nations (UN) and in the international media of vulnerable African southern Sudanese being forced into involuntary servitude have been vehemently denied by the Sudanese government, but the government's incompetence in governing its vast hinterland and its ideology, combined with famine, war, and racism, have provided the opportunity for the revival of customary practices of slavery, euphemistically referred to as abductions, and its trade. In the violence of civil war human rights have been ignored and innocent African civilians slaughtered by the thousands. Although the southern Sudan is the conspicuous scene of this terrible conflict, no government of the Sudan at Khartoum has effectively governed the marginalized Sudanese people on the periphery in the south, west, or east.

So long as Sudanese government officials cannot control the country, whatever may be their ideologies, political persuasion, or religious beliefs regarding human relationships, slavery, and the indiscriminate slaughter associated with the seizure of slaves will continue in the Sudan. The northern Sudanese have done little to disguise their contempt for the African Sudanese from the non-Arab regions because of their color, culture, and religion. In the half-century of independence in the Sudan, the ill-defined concept of race has complicated the confusion of identity in the Sudan and reinforced historic perceptions of inferiority that may no longer be legal, yet confirm convictions of superiority that are more pervasive and powerful than the law. The persistence of this doleful inheritance has been a central cause of a rationale justifying the killing fields in the southern Sudan.

#### **The First Civil War: 1955 to 1972**

The southern disturbances of August 1955 marked the beginning of resistance by the African Sudanese practicing traditional religions or Christianity against the

government in Khartoum, dominated by the northern Arab, Muslim Sudanese. In 1964 Christian missionaries were expelled from the Sudan. They had been the teachers of the small southern Sudanese elite who soon organized rudimentary associations to mobilize political dissent and to create the African, non-Muslim southern guerrilla forces, known as *Anya Nya* (snake venom). After eighteen years of fighting President Ja'Far Numayri, the *Anya Nya* signed an agreement at Addis Ababa in 1972 that conferred on the southern provinces a modest degree of autonomy which brought an end to the fighting but not the political turmoil between the northern and southern Sudan. Within ten years Numayri unilaterally abrogated the Addis Ababa Accords in a futile attempt to secure the support of the Islamists, Muslim fundamentalists in the Sudan, who sought to impose Islam and its laws (*Shari'a*) on non-Muslim African Sudanese. The southern Sudanese resumed their fighting in 1983, led by Colonel John Garang who reorganized former guerrilla *Anya Nya* fighters into the Sudan People's Liberation Movement/Army (SPLM/SPLA).

The First Civil War, 1955 through 1972, ended with a litany of brutality and terrorism in remote places where accountability was of little concern and the media absent. The fighting was unremitting for the civilians and debilitating for the army of the Sudan. The conflict displaced thousands of southern Sudanese, resulting in a massive number of refugees. It created a coterie of exiled southern elite. It destroyed the fragile infrastructure left by the British. It produced Christian martyrs. It convinced many southern Sudanese that there could be no compromise with the northern Sudanese.

#### *Second Civil War: Since 1983*

By 1984 Garang had consolidated the SPLM/A and forced the termination of the exploration for oil and the construction of the Jonglei Canal to supply additional water for irrigation in the northern Sudan and Egypt. Meanwhile, the SPLA, supplemented by substantial defections from the security forces, had occupied extensive areas in the rural south and driven the Sudan army onto the defensive in the major towns of Juba, Wau, and Malakal. To add to the disastrous consequences produced by war, African drought and the decision by the Sudan government in 1984 to distribute automatic weapons to the Baggara tribesmen of Darfur and Kordofan, members of the Arab militia or *murahileen*, combined to escalate war-related deaths of the southern Sudanese into the hundreds of thousands. The great African drought of the 1980s devastated the plains of the Sahil from Senegal across Africa through Darfur, Kordofan, and into southern Sudan. Here the popula-

#### [DARFUR]

The conflict in Darfur began in 2003, when black African rebel groups began an uprising over a number of long-standing grievances, including ongoing slave-trading and discrimination. The government retaliated by unleashing a militia known as the janjaweed on the civilian population. By the middle of August 2004 some 300 Darfur villages had been burned and the population displaced through ethnic cleansing. The United Nations estimated that if humanitarian aid reached the area quickly some 300,000 people would die, but if it were delayed, more than a million lives would be at stake. The U.S. Congress labeled the situation a genocide.

In response to the crisis, the UN Security Council passed a resolution on July 30, 2003, threatening Sudan's government with sanctions if the government of Sudan does not, within 30 days, disarm the Arab militia, known as the janjaweed, that has been killing, raping, and terrorizing black African civilians in the Darfur region of Sudan. The resolution passed by 13-0 with two abstentions (China and Pakistan). The resolution came three days after the African Union's decision to consider expanding its observer mission in Darfur into a full-scale peacekeeping mission; it would be the AU's first military intervention in a member state. Sudan's authoritarian regime, led by president Omar Hassan al-Bashir, denied arming and backing the janjaweed, although human rights groups and other observers showed evidence to the contrary. **DINAH SHELTON**

tion had been increasing more rapidly than the production of food and livestock. Customary exchange in times of hardship collapsed. Crops failed to germinate without water, and the cattle died without grass. During the winter of 1984 and 1985 tens of thousands of southern Sudanese, Nilotes, and Equatorians began to flee into southern towns and then to the north and to Ethiopia seeking food. By January 1987 hundreds of thousands of southern Sudanese were dead or in flight to the anonymity of towns and the camps for the displaced from Kordofan to Khartoum and from the Bahr al-Ghazal to Ethiopia to avoid death from starvation and war, with disease often accompanying starvation.

In 1984 Numayri's Minister of Defense, General Suwar al-Dhahab, equipped the Arab militia with automatic weapons and unleashed these *murahileen* into the southern Sudan in a desperate attempt to stem the

spread of the rebellion among the Dinka who were allied with Garang, a Dinka from Bor. The raiders were mostly young Rizayqat and Messiriya Baggara tribesmen who, imbued with the folklore of their forefathers, raided the Dinka for cattle, pastures, and 'abid (slaves), and felt they had a license to kill in order to replenish their own herds decimated by drought. With their superiority over a traditional enemy guaranteed by the AK-47, the tenuous equilibrium that had existed for more than a half-century on the Baggara-Dinka frontier dissolved into a *razzia* of indiscriminate plunder and wanton killing. A somnolent village would be surrounded before dawn and attacked at first light. The women, children, and teenage males that had not escaped were collected with the cattle. The men were indiscriminately killed, often accompanied by mutilation, and the village and cultivations were then methodically destroyed and the Dinka cattle, women, and children divided among the Baggara to serve or to be sold.

By 1987 the SPLA had established its military presence in the Bahr al-Ghazal, inflicting heavy casualties on the Baggara militia and the officers and men of the army, the Sudan People's Armed Forces (SPAF). On the night of March 27, 1987, more than a thousand Dinka were immolated and slaughtered at Ed Diein in southern Darfur in a vengeful race riot. In November the SPLA captured Kurmuk, producing a hysteria in Khartoum that culminated in the successful coup d'état of Umar Hasan Ahmad al-Bashir on June 30, 1989. He installed the first theocratic Islamist government in the Sudan. His supporters, the National Islamic Front (NIF), were more determined than ever to defeat the southern Sudanese insurgents in order to impose Islam and Arab culture on the Africans of the southern Sudan.

#### *Islamist government of the Sudan: Since 1989*

Unlike many coup d'état that are motivated by discontent, the officers who seized control of the Sudan government on June 30th were determined to construct a new Sudan defined by Islam, with the laws of the Q'uran (*Shari'a*) interpreted and regulated by the doctrines of the National Islamic Front (NIF) and promulgated by the Revolutionary Government of National Salvation led by Umar al-Bashir. To be Sudanese was to conform to the rigid ideology of the Islamists. Whoever refused to conform to its creed would be excluded for not being Sudanese. To produce the new Sudan, the Islamists introduced a complete ideology that affected all aspects of life in the Sudan. It was an attempt to indoctrinate, shape, and thereby control the Sudanese to produce a homogeneous Islamic society even if it required the destruction of the *kafirin*, unbelieving Africans in the southern Sudan, by jihad (holy war). By

1991 the *Shari'a* had been embodied in the Sudan penal code; in 1992 Islamic legal traditions were employed to justify the jihad against apostates and heathens; after 1993 Islamic principles were invoked as the guide for all agencies of government, civilian and military. The creation of the new Sudan as a monolithic and homogeneous society reduced the non-Muslim African Sudanese before the law and in society to less than equal status. The legal and religious definition of non-Muslim Sudanese Africans as second-class citizens provided welcome relief, if not justification by the Islamists in Khartoum to carry on total war with greater intensity. During the decade of drought and the *razzia* (1983–1993) more than 1 million southern Sudanese died and another 4 million became refugees in foreign countries, or internally displaced within the Sudan.

Having little confidence in the SPAF to pursue a jihad aggressively, the NIF-controlled government introduced universal conscription to create the People's Defense Forces (PDF) composed of raw recruits and government-supported militias. In 1990 the air force began indiscriminate aerial bombing of civilians in the southern Sudan; its only targets were villages, cattle, churches, schools, and hospitals. An estimated eleven thousand Sudanese were either killed or wounded. The offensive was symbolic of more demonstrable efforts by the SPAF, supported by the PDF, to eliminate the presence of the SPLA by premeditated ethnic cleansing. Between 1990 and 2000 the jihad in the Nuba Mountains had killed more than an estimated 100,000 and resettled another 170,000 Nuba in so-called peace villages on the Sahilean plains of Kordofan where they labored in fields and towns for northern Sudanese entrepreneurs.

During the same decade military offensives by the SPAF and the *razzia* of the Baggara *murahileen* and the Dinka militia of Kerubino Kwanjin Bol, who had defected from the SPLA to join the government forces, resulted in the death of another estimated 200,000 Dinka and Nuer in the Bahr al-Ghazal by killing and famine. Others were displaced by the hundreds of thousands. During the drought of 1993 and 1994 the Sudan government deliberately intervened in the distribution of humanitarian food aid by Operation Lifeline, a Western organization. The Sudan effectively utilized famine as a weapon of war to depopulate large areas of the Bahr al-Ghazal by starvation, forcing its inhabitants to become internally displaced persons (IDP).

In the Upper Nile in 1991 the SPLA commanders Riak Machar, Lam Akol, and Gordon Kong Cuol formed a rival South Sudan Independence Movement/Army (SSIM/A) to overthrow Garang. The SSIM/A was dominated by the Nuer. In a formal alliance with the

Sudan government, they received large numbers of automatic weapons that they promptly used to kill many thousand of their traditional Dinka enemies who were supporters of the SPLA and their kinsman, Garang. The ensuing local Nilotic civil war within the larger Sudan civil war killed more southerners than the SPAF. The southern Sudanese casualties from 1991 to 2000 are estimated at approximately 250,000, and an equal number of southerners were displaced. In Equatoria, the heartland of the SPLA, the fighting intensified throughout the decade as the SPAF sought to capitalize on the bitter feud within the SPLA to recapture strategic towns they had previously lost. During this same tragic decade in Equatoria war-related deaths averaged ten thousand per year.

Although oil had been discovered on the northern borders of the southern Sudan in 1976, the renewal of the civil war in 1983 delayed its export by pipeline to Port Sudan until August 1999. At this time further exploration demonstrated that large Sudanese oil reserves were located in the sudd and surrounding grassland plains of the Upper Nile and Bahr al-Ghazal. These oil-rich regions could obviously not be exploited if controlled by southern insurgents, whether the militias of southern warlords or the SPLA that had frustrated the development of Sudanese oil for twenty years. In order to secure the oil fields, the government launched military offensives to clear the land of southern Sudanese by killing its inhabitants and their cattle and forcing the survivors to seek refuge in the southern Bahr al-Ghazal as internally displaced persons. The government then had at its disposal millions of dollars from oil revenues. Over half of this money was used to purchase sophisticated weapons and the especially feared helicopter gun ships, which are more effective at driving people off the land than the indiscriminate high-level bombing of the past. Better equipped, the regular army, the PDF, and the southern Sudanese militias were initially successful in their campaigns of ethnic cleansing to secure the flat pasture lands of the western Upper Nile and eastern Bahr al-Ghazal. The war-related deaths of the southern Sudanese continued to grow.

#### **Quantifying War-Related Deaths of Southern Sudanese**

The southern Sudan has been one of the most remote regions of the earth—it was not opened to the outside world until the mid-nineteenth century. This isolation continued through the half-century of the Anglo-Egyptian Condominium (1899–1956) and during the First Civil War (1955–1972). There are no reliable statistics and only unreliable estimates of the southern Sudanese losses during the seventeen years of this conflict. In contrast, the Second Civil War (1983–present)

has been well recorded by the international media, in massive reports by human rights and relief agencies, and through the writings of Sudanese and foreign participants. Unlike the First Civil War, advances in technology have now made it possible to transmit visually and through the media the disastrous consequences of the vicious fighting in the forests, plains, and swamps of the southern Sudan on the civilian population. Despite the plethora of information about this tragic conflict, there has been only one serious study attempting to quantify the number of war-related deaths, *Quantifying Genocide in Southern Sudan and the Nuba Mountains, 1983–1998*, authored by J. Millard Burr.

Burr estimates that more than 1.3 million southern Sudanese perished in the conflict between 1983 and 1993 in a population, according to the 1983 national census, of some 5 million in the southern provinces of Equatoria, the Bahr al-Ghazal, and Upper Nile; the victims constitute one-fourth to one-third of the Sudan's total population. There has been no further census, but ten years later, if one accepts the folk figure of 3.2 million residing in the south and another 1.8 million IDP living in the north, and assumes a generous 3 percent population growth, the number of southern Sudanese has not increased because of war-related losses. During the next five years, 1993 through 1998, Burr estimates that another 600,000 southern Sudanese perished in the war. This represents an annual average of 120,000, a number close to the 130,000 who died each year from 1983 to 1993. Because the intensity of fighting in the southern Sudan has escalated since the acquisition of arms for oil revenues, the annual losses from 1998 to 2003 have certainly not diminished from the 120,000 each year during 1993 through 1998. Consequently, the total war-related deaths of southern Sudanese during the twenty years from 1983 to 2003 numbers more than 2.5 million. Although precise figure for these war-related deaths in the southern Sudan will never be available, Burr's estimates speak to the enormity of the consequences of this continuing conflict.

There is no way to distinguish between military and civilian casualties, but given the size of the government forces and those of the SPLA, their casualties can only be numbered in the tens of thousands, whereas those of the civilians must be counted in the hundreds of thousands. Many more southern Sudanese have undoubtedly died from disease and starvation as a direct result of the policies of the Sudan government than have died by the bullets of their armed forces. The stark conclusion remains that during the period of 1983 to 2003 the death of at least one in five southern Sudanese can be attributed to this terrible civil conflict.

After a half-century of civil war punctuated by a decade of peace (1972–1983) and infrequent ceasefires during which a host of international mediators have sought to broker a peace between the Sudan government and the SPLM/A, the question of genocide on the part of the Sudan government was first raised by the international non-governmental organizations (NGOs) working in the Sudan, and then discussed at the UN and in the international media. After 1989 the determination of the Islamist government of Umar al-Bashir to defeat the southern insurgents and impose by jihad Islam, Arabization, and the Shari'a throughout the southern Sudan leaves little doubt that the government in Khartoum actively participated or quietly condoned the death by famine or slaughter of hundreds of thousands of civilian African Sudanese. There are numerous definitions of genocide, but the standard definition is contained in the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. *Genocide* means the intent to destroy, in whole or part, any national, ethnic, racial, or religious group by killing, bodily harm, preventing birth, or transferring children from that group to another one.

Although there is no evidence that the Sudan government officially adopted a policy to eliminate any particular ethnic group in the southern Sudan or the southern Sudanese as a whole, their policies involved the indiscriminate aerial bombing of civilians and their installations, the withholding of humanitarian aid to cause death by starvation, and silent indifference to the activities by government-supported militias to loot, kidnap, and enslave. The Islamist government has worked assiduously to deny these charges by defending its actions as a necessary military response to defeat the southern Sudanese insurgents, the SPLA, preserve the unity of the Sudan, and incorporate the African Sudanese into an Islamic, Arab Sudan. Under international pressure the government of Umar al-Bashir has sought to dispel the accusations of genocide by greater cooperation with the West and a willingness to discuss peace with the SPLA. Without peace in the Sudan there is no prospect of resolving whether the massive loss of southern Sudanese lives was, in fact, a deliberate policy of genocide by the government of the Sudan.

**SEE ALSO** Ethiopia; Ethnic Cleansing; Famine; Refugees; Religion; Slavery, Historical; Uganda

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Robert O. Collins

## Superior (or Command) Responsibility

International law provides two primary modes of liability for holding an individual criminally responsible: (1) individual or personal criminal responsibility and (2) superior or command responsibility. The latter concept is reflected in the statutes of international criminal courts and tribunals that hear cases arising under international humanitarian law (such as Article 28 of the Statute of the International Criminal Court, Article 6[3] of the Statute of the International Criminal Tribunal for Rwanda and Article 7[3] of the Statute of the International Criminal Tribunal for the Former Yugoslavia), as well as in many nations' military and civilian criminal codes. The doctrine of superior or command responsibility (the terms will be used interchangeably in this entry) differs from other forms of criminal liability in that it is based on omissions rather than affirmative actions. Under the doctrine of superior responsibility, the accused may be convicted based on his or her failure to prevent the crime from occurring in the first place (or to punish the perpetrator) after having learned that the offense was committed. It is important to stress that superior responsibility does not cover situations where a superior (or military commander) orders persons under his or her control to commit crimes. (Under such a scenario, the superior would be responsible under a theory of individual or personal criminal responsibility.) After a brief historical discussion, the doctrine of command responsibility will be analyzed here, with particular emphasis on its application as reflected in the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

Historically, this doctrine was used exclusively as a basis to prosecute superior military officers for offenses committed by their subordinates. More recently the statutes of the ICTY, ICTR, and the International Criminal Court (ICC) refer to "superior responsibility," reflecting the fact that the doctrine also applies to paramilitary or irregular commanders and civilian leaders, in addition to traditional military commanders. The doctrine of command responsibility, as reflected in these statutory instruments, expresses a well-established rule of international customary law, as reflected in numerous treaties.

### History and Background

Prior to World War II there are few recorded cases involving prosecutions on the basis of command responsibility, reflecting the fact that this doctrine rarely formed the basis for criminal prosecution. Although the roots of the modern doctrine of command responsibility may be found in the 1907 Hague Conventions (such as Hague Convention IV, Annex, Article 1, or Hague Convention X, Article 19), it was not until immediately after World War I that the notion of prosecuting military commanders before international tribunals on the basis of command responsibility was developed. Thus, the International Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties presented a report to the 1919 Preliminary Peace Conference, in which they recommended that an international tribunal be established to prosecute, among other matters, individuals who, "with knowledge . . . and with power to intervene, abstained from preventing or taking measures to prevent, putting an end to or repressing violations of the laws or customs of war." Similarly, Article 227 of the Treaty of Versailles envisioned the trial of Kaiser Wilhelm by an international tribunal.

After World War II several important trials involving Japanese and German war criminals were conducted, in which the doctrine of command responsibility was invoked as the grounds for establishing criminal liability, were conducted. The Charters governing both the Nuremberg and Tokyo trials were silent as to criminal liability under the doctrine of command responsibility. Likewise, Control Council Law No. 10, the basis for trials of war criminals by the Allies in Germany, did not specifically provide for this form of criminal liability. Nevertheless, command responsibility issues were raised in several post-World War II cases, including the Yamashita trial and *United States v. Wilhelm von Leeb, et al.*, known as the *High Command* case and *Hostages case (United States v. Wilhelm List et al.)*—cases prosecuted under Control Council Law No. 10, the law governing the trials of war criminals in Germany other than those prosecuted in the large Nuremberg trial.

The trial of General Tomoyuki Yamashita stands for the proposition that military superiors may be found guilty if it can be established that they must have known offenses were being committed and failed to either halt such crimes or punish the perpetrators. The *High Command* and *Hostages* cases further developed this area of the law. Thirteen senior German officers were tried in the *High Command* case (reported in Volumes 10 and 11 of *Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10*, hereafter referred to as TWC), for a variety