



Nothing short of an international intervention will stop the genocide in Darfur. Africa Action calls on the U.S. to do everything necessary to secure the deployment of a United Nations (UN) peacekeeping force, authorized by UN Security Council Resolution 1706, to stop the genocide and protect civilians and humanitarian efforts in Darfur.

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Calling “Genocide” by its Rightful Name in Darfur

What is Genocide?

The **international legal definition of the crime of genocide** is found in Articles II and III of the 1948 Convention on the Prevention and Punishment of Genocide. Article II describes the two elements that constitute the crime of genocide:

- (i) The mental element, meaning the **"intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such"**, and
- (ii) The physical element, which includes **five types of violence** described in sections (a) through (e) as follows:

- (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.

What is Happening in Darfur is Genocide

Genocidal Intent:

The intent of the Sudanese government to destroy, in whole or in part, three African ethnic communities (the Fur, Zaghawa and Massaleit), is clear from at least four categories of evidence:

- [a] Documentary evidence;
- [b] Legal inference based upon the systematic perpetration of culpable acts directed against specific targeted groups;
- [c] Testimony of witnesses who are survivors of the genocide; and
- [d] Government efforts to eliminate all traces of mass graves.

Genocidal Actions:

In Darfur during the past four years, the physical acts of violence that have been systematically directed against the targeted groups have included all five categories of violence listed in the Genocide Convention.

These acts have resulted in the deaths of nearly 500,000 people in Darfur.

The evidence that supports both genocidal intent and actions in Darfur follows.

Genocidal Intent

Documentary evidence: Sudanese government documents obtained by Human Rights Watch make clear government intent through its actions of arming, equipping and transporting Arab militias to destroy targeted groups. In violation of UN Security Council Resolutions, the government has withheld other documents requested by the UN, such as flight logs for aircraft used by the government in Darfur, as well as the minutes of meetings of government security officials on Darfur. Such documents would likely provide further documentary evidence of genocidal intent. According to The New York Times on February 23, 2005, African Union observers have also uncovered a document indicating a policy of genocide on the part of the government.

International legal precedent (from the International Criminal Tribunals for Rwanda and the former Yugoslavia) holds that genocidal intent can be inferred from the context of the perpetration of

culpable acts when they are systematically directed against a group. For more four years, the government of Sudan has established a pattern of atrocities including mass killings and rapes, bombings, burning and pillaging villages, and destruction of water wells and crops, systematically directed against the targeted groups.

The testimony of survivors of genocide in Darfur consistently reports that the perpetrators of the atrocities frequently and clearly stated their intent to destroy these groups as part of a broader government-inspired effort. Attackers' statements, such as "we will kill all the black," are documented in an International Criminal Court report from June 2006.

According to witnesses and documentary evidence, the **government of Sudan has sought to erase all trace** of large mass graves of executed civilians in Darfur. It has prevented researchers from obtaining forensic evidence from such sites.

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Genocidal Actions

The following letters correspond to the five categories of genocidal violence listed under the legal definition of genocide at the beginning of this document.

- [a]** more than 200,000 people have been killed by government forces and militias from 2003 to the present time, and the killing continues, particularly as the government now masses its armed forces for escalated attacks in Darfur;
- [b]** bodily and mental harm has been inflicted upon thousands of women and young girls raped by soldiers and militias.
- [c]** at least an additional 200,000 lives have been lost through the deliberate destruction of homes, crops and water resources and the physical displacement of more than two million people which have resulted in conditions of famine and disease epidemics;
- [d]** the killing of pregnant women; and
- [e]** the use of rape as a weapon of genocide as many perpetrators have stated that their intent is to change the ethnic identity of the child conceived by rape.

Photo by Refugees International



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