DARFUR AND THE CRIME OF GENOCIDE

In 2004, the State Department gathered more than a thousand interviews from refugees in Chad that substantiated Colin Powell’s UN and congressional testimonies about the Darfur genocide. The survey cost nearly a million dollars to conduct, and yet it languished in the archives as the killing continued, claiming hundreds of thousands of murder and rape victims and restricting several million survivors to camps. This book for the first time fully examines that survey and its heartbreaking accounts. It documents the Sudanese government’s enlistment of Arab Janjaweed militias in destroying Black African communities. The central questions are these: Why is the United States so ambivalent about genocide? Why do so many scholars deemphasize racial aspects of genocide? How can the science of criminology advance understanding and protection against genocide? This book gives a vivid firsthand account and voice to the survivors of genocide in Darfur.

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Continued after Index
Darfur and the Crime of Genocide

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## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glossary</td>
<td>viii</td>
</tr>
<tr>
<td>List of Characters</td>
<td>xiii</td>
</tr>
<tr>
<td>Prologue: On Our Watch</td>
<td>xvii</td>
</tr>
<tr>
<td>1 Darfur Crime Scenes</td>
<td>1</td>
</tr>
<tr>
<td>2 The Crime of Crimes</td>
<td>31</td>
</tr>
<tr>
<td>3 While Criminology Slept</td>
<td>57</td>
</tr>
<tr>
<td>with Heather Schoenfeld</td>
<td></td>
</tr>
<tr>
<td>4 Flip-Flopping on Darfur</td>
<td>79</td>
</tr>
<tr>
<td>with Alberto Palloni and Patricia Parker</td>
<td></td>
</tr>
<tr>
<td>5 Eyewitnessing Genocide</td>
<td>105</td>
</tr>
<tr>
<td>6 The Rolling Genocide</td>
<td>137</td>
</tr>
<tr>
<td>7 The Racial Spark</td>
<td>161</td>
</tr>
<tr>
<td>8 Global Shadows</td>
<td>193</td>
</tr>
<tr>
<td>Epilogue: Collective R2P</td>
<td>219</td>
</tr>
<tr>
<td>Appendix: Genocidal Statistics</td>
<td>223</td>
</tr>
<tr>
<td>Notes</td>
<td>237</td>
</tr>
<tr>
<td>Index</td>
<td>263</td>
</tr>
<tr>
<td>Notes</td>
<td>vii</td>
</tr>
</tbody>
</table>
Glossary

AAAS – American Academy for the Advancement of Science
ABA-CEELI – American Bar Association Central and East European Law Initiative
ADS – Atrocities Documentation Survey of Darfur refugees in Chad in summer 2004
Al Geneina (Al Junaynah) – Capital of West Darfur and organizational center for government counterinsurgency efforts
Al Qaeda – International alliance of Islamic militant organizations founded in 1988 by Osama Bin Laden and other “Afghan Arabs” after the Soviet war in Afghanistan
Amnesty International – Pioneering international nongovernmental organization focused on human rights abuses and compliance with international standards
Antonov – Russian-made and -supplied airplane used to bomb Darfur villages
Baggara tribes – Powerful Arab tribes armed and supported by Sudanese government in attacks on Black African villages in Darfur
Beida – Settlement forming part of triangle with Terbeba and Arara in West Darfur near Al Geneina that forms the westernmost point of border with Chad
Bendesi (Bindisi) – Town subjected to repeated violent attacks in the southwestern part of West Darfur
Bophuthatswana – One of four so-called independent homelands granted independence by South Africa in 1977
GLOSSARY

Bureau of Democracy, Human Rights, and Labor – Part of the U.S. State Department that promotes democracy, human rights, and labor rights internationally

Bureau of Intelligence and Research – Part of the U.S. State Department that collects and analyzes foreign intelligence data

CIJ – Coalition for International Justice, an international nonprofit organization that conducted advocacy campaigns targeting decision makers in Washington, DC

CDC – Centers for Disease Control, which serves as the premier U.S. public health agency

Centre for Research on the Epidemiology of Disasters – Public and population health research organization at the University of Louvain in Brussels, Belgium

Chad – Landlocked country in central Africa that borders Darfur on its eastern border and received more than 200,000 refugees during the Darfur conflict

C/L International – Washington-based lobbying firm

CMR – Crude mortality rate, often expressed as deaths per 10,000 population per day

CPA – Comprehensive Peace Agreement for southern Sudan signed in 2004

Darfur – Western region of Sudan, bordering Chad, Central African Republic, and Libya

Darfur Investigation Team – Unit within the Office of the Prosecutor at the International Criminal Court in The Hague

Democratic Republic of the Congo – The third-ranking nation by land mass on the African continent, bordering Sudan and suffering high mortality levels

DLF – Darfur Liberation Front, which preceded the Sudanese Liberation Army

El Fasher – Location of Sudan government air base attacked by rebels in April 2003, marking an early success in the insurgency

European Union – Political and economic community composed of twenty-seven European member states
Foro Burunga – Town in southwestern area of West Darfur viciously and repeatedly attacked
Fur tribe – Largest of Black African tribes in Darfur
GAO – U.S. Government Accountability Office, which assesses government programs and agencies
Genocide – Intended destruction in whole or part of a racial, religious, ethnic, or national group
Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide) – Resolution that defines genocide in legal terms and that was adopted by the UN General Assembly in December 1948
GoS – Government of Sudan, with capital in Khartoum
Guedera – Military camp near Al Geneina
Habilah – Village in West Darfur
Helsinki Watch – American human rights NGO that evolved into Human Rights Watch in 1988
High Commission on Human Rights (UNHCHR) – Principal UN office mandated to promote and protect human rights
High Commission on Refugees (UNHCR) – Principal UN office mandated to lead international action to protect refugees and resolve refugee issues
Human Rights Watch – U.S.-based international nongovernmental organization that conducts research and advocacy on human rights
Hutu – Large ethnic group living in Burundi and Rwanda; extremist Hutu militia groups were responsible for the 1994 genocide in Rwanda
ICTR – International Criminal Tribunal for Rwanda
IDP – Internally displaced persons
International Criminal Court (ICC) – Independent, permanent court that prosecutes individuals accused of the most serious violations of international criminal law
ICTY – International Criminal Tribunal for the former Yugoslavia
International Crisis Group – Independent nongovernmental organization committed to resolving and preventing deadly international conflicts
GLOSSARY

Janjaweed (Jingaweit, Jingaweet, Janjawiid) – Armed Arab militia groups who usually travel on horses and camels; literally translates as “a man (devil) on horseback”

Jebel – Black African tribal group in Darfur

JEM – Justice and Equality Movement, rebel group in Darfur

Karnoi (Kornoi) – Settlement in North Darfur

Kebkabiya (Kabkabiyah) – Town in North Darfur

Khartoum – Capital of Sudan

Kojo – Town south of Masteri in West Darfur

Lost Boys of Sudan – Documentary film produced by Megan Mylan and John Shenk

Masalit tribe (Masaleit) – Black African tribe in West Darfur

Masteri – Town in West Darfur near the Chad border

Misteriha (Mistariha) – Base of Janjaweed commander, Musa Hilal, in North Darfur, near Kebkabiya

Monroe Doctrine – U.S. doctrine proclaiming in 1823 that European countries would no longer intervene in affairs in the Americas

MSF – Médecins Sans Frontières, international medical and humanitarian aid organization

Mujahideen – Muslim religious fighters

Mukhabarat – Sudan government’s security service

Mukjar – Town in southwestern part of West Darfur near the Jebel Marra Mountains

My Lai massacre – Mass killing of unarmed citizens by U.S. Army soldiers in 1968 during the Vietnam War

NATO – North Atlantic Treaty Organization

NMRD (National Movement for Reform and Development) – Relatively recently formed Darfur rebel group

Nuba – Pejorative term used in Sudan to refer to Black African persons and/or slaves

Nuremberg Trial – Trials of the most prominent political, military, and economic leaders of Nazi Germany

OSCE – Organization for Security and Co-operation in Europe

PHR – Physicians for Human Rights, American-based nongovernmental human rights organization
Glossary

Save Darfur – An alliance of more than 100 faith-based, humanitarian, and human rights organizations concerned with the genocide in Darfur.

SLA/SPLA (Sudan People’s Liberation Army) – Large rebel group in Darfur.

Srebrenica – A town in eastern Bosnia and site of the Srebrenica massacre, where 8,000 men and boys were killed in July 1995.

Sudanese Ministry of Health – Government of Sudan’s federal health ministry.

Terbeba – Town just east of Masteri on the border with Chad.

Tora Bora – Racialized term taken from Osama Bin Laden’s retreat to the mountains in Afghanistan and used by Sudan and Janjaweed to refer to rebels in West Darfur.

Tutsi – Large ethnic group massacred by Hutus in Rwanda genocide.

UN Commission of Inquiry on Darfur – Official inquiry of UN Security Council to determine whether genocide and other war crimes occurred in Darfur.

UN High Commissioner for Refugees – UN agency headed by Louise Arbour.


WFP – World Food Program.

What Is the What – Dave Eggers’s novel based on the lost boys of Sudan.

WHO (World Health Organization) – Leading UN health agency based in Geneva.


Zaghawa tribe – Large tribal group concentrated in North Darfur.

Zaka – Social norm that fostered reintegration of children in displaced families.

Zourga (Zurug) – Derogatory term for Blacks used in Sudan.
List of Characters

Madeleine Albright – Former U.S. Secretary of State
Kofi Annan – Former Secretary-General of the United Nations
Louise Arbour – Former UN High Commissioner on Human Rights and former Chief Prosecutor of the Hague Tribunal for the former Yugoslavia
Hannah Arendt – German American Jewish political theorist who coined the phrase “banality of evil”
Patrick Ball – Social scientist formerly with American Association for the Advancement of Science and currently with Human Rights Program at Benetech
Omar al-Bashir – President of Sudan who seized power in 1989
Atta El-Battahani – Authority on Sudan at the University of Khartoum
Hilary Benn – British Secretary of State for International Development
Bruno Bettelheim – Holocaust survivor who wrote about his own concentration camp experiences
John Bolton – Former American UN Ambassador and critic of international courts
Jan Coebergh – British physician and early analyst of Darfur mortality
Albert Cohen – Early student of Edwin Sutherland, known for his work on delinquent gangs
Hamid Dawai – Arab militia leader near Al Geneina and emir of Arab tribe
Sam Dealey – Author of New York Times op-ed questioning Darfur mortality estimates
Carla del Ponte – Chief UN War Crimes Prosecutor at The Hague Tribunal for the former Yugoslavia
LIST OF CHARACTERS

Jan Egeland – UN emergency relief coordinator and source of Darfur mortality estimate
Dave Eggers – Author of *What Is the What*, story about the Lost Boys of Sudan
Stefanie Frease – Human rights investigator who played a prominent role in the Srebrenica Trial and led the Atrocities Documentation Survey Team in Chad
General Gadal (Janobo Gadal) – GoS military leader
Kitty Genovese – Young woman murdered in Queens, New York, who became known as victim of the “bystander effect”
Boutros Boutros-Ghali – Former Secretary-General of UN during the Rwandan genocide
Eleanor Glueck – Collaborated with her husband, Sheldon Glueck, in studying the adolescent and later lives of delinquents
Sheldon Glueck – Harvard criminologist and law professor who played a prominent role in lead-up to the Nuremberg Trials and in American delinquency research
Mark Goldberg – Senior correspondent for the *American Prospect* and writer in residence at the UN Foundation
Major General Salah Abdallah Gosh – Chief of Sudan’s intelligence/security service
Günter Grass – Prize-winning German author and playwright who wrote about the Holocaust
David Halberstam – American Pulitzer–Prize–winning author and journalist known for his writings on American culture and politics
Ahmad Harun (Ahmad Muhammad Harun) – Sudan’s Minister of State for Humanitarian Affairs and one of two persons currently wanted by the ICC for war crimes and crimes against humanity in Sudan
Gunnar Heinsohn – German demographer who writes about mass violence
Musa Hilal – Sudanese Arab Janjaweed militia leader associated with attacks in North Darfur
Sheikh Hilal – Father of Musa Hilal and famous tribal sheik
David Hoile – Director of European-Sudanese Public Affairs Council
Jonathan Howard – Research analyst at the U.S. State Department who played a prominent role in the design and direction of the Atrocities Documentation Survey
Abduraheem Mohammed Hussein – Former Minister of the Interior and representative of the president for Darfur; current Minister of Defense/Sudan.
LIST OF CHARACTERS

Mustafa Osman Ismail – Former Foreign Minister of Sudan
Superior Court Justice Robert Jackson – Head of the American prosecution team at the Nuremberg trial
Mukesh Kapila – Former UN Resident and Humanitarian Coordinator for the Sudan
Alfred Kinsey – Founder of the Institute for Research in Sex, Gender and Reproduction at Indiana University who pioneered large-scale survey research on human sexuality
Henry Kissinger – German-born U.S. Secretary of State in the Nixon Administration
Nicholas Kristof – New York Times columnist who writes extensively on Darfur
Ali Kushayb (Ali Muhammad Abd-al-Rahman, Ali Kosheib) – Arab Janjaweed militia leader charged by the ICC and known as an “Emir of Mujahideen” or a “leader of religious fighters”
Osama Bin Laden – Militant Islamist reported to be architect of 9/11 and the founder and current leader of the terrorist organization called al Qaeda
Raphael Lemkin – Lawyer/Holocaust survivor who coined the concept of genocide
Sadiq al-Mahadi – Prime Minister of Sudan in 1980s
Michael Marrus – Prominent Nuremberg scholar
Ross Matsueda – Professor of sociology at the University of Washington
Slobodan Milosevic – First sitting head of state charged with crimes against humanity and later genocide, who died before the conclusion of his trial in 2006
Henry Morgenthau – Jewish Treasury Secretary in Roosevelt’s administration who argued for deindustrialization of Germany following World War II
Megan Mylan – Produced documentary, Lost Boys of Sudan, with Jon Shenk
David Nabarro – British former Executive Director of WHO and spokesman about Darfur mortality
Andrew Natsios – U.S. Special Envoy to Sudan
Aryeh Neier – Human rights activist and former president of Human Rights Watch and current president of Open Society Institute
Peter Novick – Author of The Holocaust in American Life
Luis Moreno Ocampo – Chief Prosecutor of the International Criminal Court
Alberto Palloni – President, Population Association of America
LIST OF CHARACTERS

Jan Pfundheller – Member of the ADS investigation team and war crimes investigator known for expertise on rape and sexual assault in international conflicts
Mark Phelan – U.S. State Department Public Health specialist
Colin Powell – Former U.S. Secretary of State in the Bush administration who designated Darfur as genocide
Samantha Power – Author of “A Problem from Hell”: America and the Age of Genocide, which received the 2003 Pulitzer Prize
John Prendergast – American human rights activist
Gerard Pruiner – Author of Darfur: The Ambiguous Genocide
Muammar Qaddafi – President of Libya
Ali Abd-Al-Rahman (Ali Kushayb) – Arab militia leader, see Ali Kushayb
Eric Reeves – American activist and scholar on Darfur genocide at Smith College
Condoleezza Rice – U.S. Secretary of State in the Bush administration
John Shenk – Co-producer of documentary, Lost Boys in Sudan, with Megan Mylan
Abdullah Mustafa Abu Shineibat – Arab Janjaweed militia leader
Al Hadi Ahmed Shineibat – Brother of Arab militia leader with same last name
David Springer – State Department, geo-spatial analyst
Donald Steinberg – Senior State Department official
Ibrahim Suleiman – Former governor of North Darfur
Edwin Sutherland – Prominent American criminologist, known for his study of white-collar crime and his broader differential association theory of crime
Ali Uthman Muhammad Taha – First vice president of Sudan
Alex de Waal – Prominent researcher and author of books about famine and war crimes in Darfur
Jody Williams – Chair, “Mission on the Situation of Human Rights in Darfur,” and Nobel Peace Prize winner who spearheaded an international treaty on land mines
Robert Zoellick – Former U.S. Deputy Secretary of State to Condoleezza Rice, current president of the World Bank
Prologue: On Our Watch

In the best of circumstances, it is a challenge to travel hundreds of miles across the barren desert of Chad to the Darfur region of Sudan. Stefanie Frease knew this when she told State Department representatives in the summer of 2004 that, with little more than a month of advance warning, she could oversee a survey of a thousand war-ravaged refugees from Darfur. The refugees had escaped to UN camps across the border in neighboring Chad. More than 200,000 Darfurian refugees huddled there under straggly trees and plastic tarps as they struggled to survive the loss of family members and most of their meager possessions.

Frease was only in her middle thirties, but she was already a veteran human rights investigator, having uncovered the evidence that convicted a Serbian general of genocide at Srebrenica. Yet, Africa was a whole new story. Within a month she supervised the collection of several hundred interviews that formed the basis for Secretary of State Powell’s testimony before the UN Security Council. Within two months, her team supplied Powell with a sample of more than one thousand interviews from what criminologists call a victimization survey. Powell summarized the findings for the powerful Senate Foreign Relations Committee in the following testimony:

In July, we launched a limited investigation by sending a team to visit the refugee camps in Chad to talk to refugees and displaced personnel. The team worked closely with the American Bar Association and
the Coalition for International Justice, and were able to interview 1,136 of the 2.2 million people the U.N. estimates have been affected by this horrible situation, this horrible violence.

Those interviews indicated: first, a consistent and widespread pattern of atrocities: killings, rapes, burning of villages committed by Jingaweit and government forces against non-Arab villagers; second, three-fourths of those interviewed reported that the Sudanese military forces were involved in the attacks; third, villagers often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for the villagers to return to their villages. This was a coordinated effort, not just random violence.

When we reviewed the evidence compiled by our team, and then put it beside other information available to the State Department and widely known throughout the international community, widely reported upon by the media and others, we concluded, I concluded, that genocide has been committed in Darfur and that the Government of Sudan and the Jingaweit bear responsibility – and that genocide may still be occurring . . . .

Mr. Chairman, as I have said, the evidence leads us to the conclusion, the United States to the conclusion, that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy “a group in whole or in part,” the words of the [Genocide] Convention. This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well . . . .

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese Government to act responsibly. So let us not be too preoccupied with this designation . . . .

I expect – I more than expect, I know, that the government of Khartoum in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point, genocide is our judgment and not the judgment of the international community . . . .

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short term is to do
everything we can to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

Secretary Colin Powell
Testimony before the Senate Foreign Relations Committee
Washington, D.C.
September 9, 2004

Sending African Union “monitors” was a disturbingly modest response to genocide. The very term “monitor” contradicted President Bush’s often-quoted campaign pledge not to allow genocide to occur on his “watch.” Several thousand African Union monitors spent several years watching what the Bush administration intermittently called a genocide. Nearly three years after the survey-based determination of genocide, in May 2007, President Bush said from the “Diplomatic Reception Room” of the White House, “I promise this to the people of Darfur: The United States will not avert our eyes from a crisis that challenges the conscience of the world.” The three-year interlude made this a non sequitur of massive proportions.

The topic of genocide is consistently controversial. An introduction to this fact was an “above the fold” New York Times op-ed by a journalist, Sam Dealey, linking our work on Darfur mortality (discussed in Chapter 4) to full-page advertisements by the advocacy group Save Darfur. Dealey cited the British Advertising Standards Association as saying Save Darfur “breached standards of truthfulness” in citing our estimate of the death toll in Darfur.

Although a Sudanese-supported business group filed such a claim with the British association, this regulatory group actually rejected its claim and found instead that Save Darfur should simply in the future acknowledge a diversity of opinions about the number of dead in Darfur. This is how a Guardian columnist described David Hoile, the head of the business group that filed the claim of “untruthfulness”: 
David Hoile, [is] a right-wing polemicist best remembered in the pages of the *Guardian* for wearing a “Hang Mandela” sticker on his tie when he was a young Tory. Dr. Hoile had angrily demanded a correction when the *Guardian Diary* claimed in 2001 that he had worn a T-shirt emblazoned with the offensive slogan. When a picture of the sticker surfaced a few weeks later, he claimed to have no recollection of it, but stressed that the picture did not show a T-shirt. Such are Khartoum’s current friends in Britain.

Ten days after the offending op-ed was published, the *New York Times* admitted and corrected its false claim. Still, the article and adjudication by the British Standards Association correctly pointed to a disparity in views about Darfur. The State Department’s survey contained valuable information about many of the issues and questions raised by the Darfur conflict.

Yet, this remarkable 2004 survey, which cost the U.S. government nearly one million dollars to complete, languished largely unused in the archives of the State Department. This was a humanitarian and criminological disgrace. We acquired the survey and began to write this book. This book addresses the following kinds of questions: Why is the United States so ambivalent in its response to genocide? Why is criminology – the science of crime – so slow to study the “crime of crimes”? Why does the U.S. government flip-flop in its characterization of the violence in Darfur as genocide? Why are many scholars so reluctant to emphasize the racial nature of the genocide in Darfur? Why is race so central to the explanation of the genocidal scale of the death and rape in Darfur? Why is genocidal violence such a long-lasting threat to human security both within and beyond Darfur? Most of all we ask, What can the science of criminology contribute to the understanding of genocide as a basis for responding more responsibly to this “crime of crimes”?

As this book went to press, five and a half years after the violence in Darfur escalated, Prosecutor Luis Moreno Ocampo asked the International Criminal Court’s judges to issue an arrest warrant charging Sudanese President Omar al-Bashir with genocide, crimes against
PROLOGUE

humanity, and war crimes.\(^1\) We explain in Chapter 2 that there was strong opposition to a genocide charge both at the UN and from within the Prosecutor’s own office. Yet the Prosecutor eventually became convinced by the kind of evidence presented in this book that al-Bashir had mobilized the entire apparatus of the Sudanese state with the intention of genocidal group destruction. This mobilization included joining the Government of Sudan’s military forces with local Arab and Janjaweed militias in highly organized attacks on villages. Ocampo reported that 35,000 African villagers were killed outright in Darfur, and that 100,000 died overall. We show in Chapter 4 that this number of deaths is implausibly small and that the death toll is actually far higher.

The Prosecutor further identified the dead as mostly from three ethnic groups – the Fur, Masalit, and Zaghawa – whom al-Bashir collectively and derogatorily called “Zourga” and whose history he wanted to end. The Prosecutor has set the stage for a strong legal case that identifies the role of ethnic targeting for purposes of genocide. However, at this writing, the Prosecutor has not yet elaborated the socially constructed nature of the term “Zourga” as a racial slur or epithet about Black Africans. Nor has he fully exposed the explicitness or extensiveness of the government’s use of race to organize the targeting of killings, rapes, displacement, and destruction of these groups.

Further, the Prosecutor has not yet adequately differentiated the overlapping meanings of ethnicity and race in Darfur. Among the differences, there are several that are salient for purposes pursued here. Ethnic 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. Thus it is one thing for groups in Darfur to have identified themselves as the Fur, Masalit, and Zaghawa, and it is quite another for President al-Bashir to have called them collectively “Zourga.” Consolidating the identity of

\(^1\) International Criminal Court, Office of the Prosecutor, Prosecution’s Application for Warrant of Arrest under Article 58 Against Omar Hassan Ahmad Al Bashir, July 14, 2008, The Hague, Netherlands.
several ethnic groups as “Zourga,” or as Black in a contemptuous and derogatory way, was a crude step toward identifying and stigmatizing an enlarged and combined grouping as suitable for genocidal victimization.

Identities can be especially confusing in Darfur, where groups often overlap in their skin tones and can also shift in their feelings of being Arab and non-Arab, African and Black African. It was through the simplifying imposition of a binary racial identification that some African groups were designated as Black. It was when the imposed meaning of race by others became more starkly binary and stigmatic, separating “us” from “them,” that genocide could begin. When President al-Bashir collectively identified the selected groups as “Zourga,” he opened a door to stigmatization and violence.

The challenge is to explain and demonstrate how the genocide in Darfur was made to happen along these racial lines, even though differences in skin tone between attacking and victim groups were often subtle or even nonexistent. Beginning in Chapter 1, we learn how racial identification in Darfur has self– and other–imposed meanings. It is important for the reader to think about this mixture of meanings. We report the salient role of race from the refugee interviews. We emphasize in the last half of the book how the Sudanese government maliciously linked differences between Arabic-speaking nomadic herders and non-Arab African farmers with perceived or observed racial attributes to organize and mobilize the Janjaweed and militia attacks on villages in Darfur.

As important as the Prosecutor’s latest charges are as intermediate steps in a legal process leading to conviction and punishment for the perpetrators of horrific crimes, the development of the criminology of genocide and the pursuit of justice in Darfur remain conspicuously overdue. The work has barely begun. The prospect for restoration of group life remains remote for the Fur, Masalit, and Zaghawa victims of the Darfur genocide. It is with this in mind that the voices recorded and analyzed herein from the U.S. State Department interviews with refugees in Chad are offered as an historically unprecedented and uniquely rich source of neglected evidence for an urgently needed advancement of both science and justice goals in Darfur.