

CONFLICT IN DARFUR: CALCULATION AND INADEQUATE INTERNATIONAL RESPONSE

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ABSTRACT: This paper begins with a historical overview of the tension in Darfur building up to the current genocidal conflict. After explaining the source of conflict in Darfur, the different methods of calculating the death toll are examined; primarily exploring the differences between the World Health Organization's Population Health Survey and the U.S. State Department's Atrocities Documentation Survey. The divergence between these methods is discussed, as is their effectiveness in calculating an accurate death toll. Next, the different approaches by the global community to intervene in the conflict in Darfur is discussed; citing specifically the inadequate international response. Finally, I will provide an overview as to the overall approach to the Darfur conflict, both in calculation and intervention, as well as provide suggestions so that the global community can better supply an integrated response to future conflicts.

HISTORY OF THE CONFLICT IN DARFUR

Darfur, a region in Sudan, is located in northeastern Africa. Sudan has been beleaguered by harsh environmental conditions and "suffers from inadequate supplies of potable water, declining wildlife populations because of warfare and excessive hunting, soil erosion, desertification, and periodic droughts" (Library of Congress, 2004, p. 3). Darfur is populated by approximately seven million people and has more than 30 ethnic groups; most falling into two major categories: African and Arab (Taber, 2008, p. 178). The northern population is primarily Arabic and Muslim, whereas the southern and western territories are predominantly inhabited by African Christians. Many different sources of conflict are present, including "security, politics, resources, water, and humanitarian and development issues" (Ki-moon, 2007, p. A13). "Sudan's harsh climate and scarce resources coupled with ethnic, tribal, and religious differences have created a history of conflict" (Taber, 2008, p. 175).

Since gaining independence from British colonial rule in 1956, Sudan has been involved in political violence and armed conflict. Historically, the Arabic population of northern Sudan has been favored politically by the British colonial policy over the southern and western Sudanese, or Africans (Baldauf, 2006, p. 1). As the transition from British rule occurred, political power over Sudan was given to the northern inhabitants, leaving the South without a voice. This inequality has set the stage for the political violence that has since plagued the region.

There have been two civil wars since Sudan's independence was granted. Both of these wars started because the government in Khartoum (located in northern Sudan) capriciously denied the South political power. The first civil war started in 1955, when the Arab-led Khartoum government failed to create a federal system, as

they had promised the southern population, instead opting to maintain their political control. Fearing marginalization, the African population sought to gain their independence by engaging in a civil war. The first civil war lasted for seventeen years, ending with the signing of the Addis Ababa Accords, which granted southern Sudan wide regional autonomy on internal matters. After just over a decade without a formal war, the second civil war began in 1983. Sudan's second civil came after President Gaafar Nimeiri's decision to implement Islamic Shari'a law throughout the country on both Muslims and non-Muslims. Spurred by this ruling, southern army officers, led by John Garang, formed the Southern People's Liberation Army (SPLA). In 1991, in the midst of the war, the government even began to support the formation of an "Arab Alliance" to control the non-Arab ethnic groups in Darfur (Documenting Atrocities, 2004, p. 3). Although the second civil war was technically ended on December 31, 2004, with the signing of the Comprehensive Peace Agreement (CPA), the violence continued.

The political marginalization of African communities in Darfur led to the formation of two prominent rebel assemblies, the Justice and Equality Movement (JEM) and the Sudan Liberation Army (SLA) (Bannon et al., 2005, p. 3). Both of these groups began their attacks on government military organizations in February 2003 (International Commission, 2005, p. 23). The JEM and SLA are fighting against the oppression of the Northern Sudanese government and aim to gain more rights in terms of political participation. They "seek equitable development, land rights, social and public services, democracy, and regional autonomy" rather than looking for succession like the South's SPLA (Idris, 2005, np.).

The SLA, formerly the Darfur Liberation Front, emerged from tribal groups formed to oppose the government's Arab supremacist policies and the government sponsored attacks in Darfur (Bannon et al., 2005, p. 3). The SLA was created out of three tribes: Fur, Massaleit, and Zaghawa; and its leadership is comprised of chosen representatives from all three (Flint & DeWaal, 2005, p. 76-77). The SLA's Political Declaration demands "a new Sudan that belongs equally to all its citizens" (Unifying Darfur's Rebels, 2005, p. 82). The biggest problem facing the SLA in the realization of its goals is tension and disunity among the three tribes (Unifying Darfur's Rebels, 2005, p. 83-88). The geographical and ethnic differences between the different groups has split the SLA and made achieving peace in Darfur much more complicated.

The JEM was started 1993 when seven members of the National Islamic Front (NIF) created a new group, wishing to first educate the Sudanese about the inequalities in Sudan (Flint & DeWaal, 2005, p. 93). Similar to the goals of the SLA, the JEM aims at creating a unified Sudan; however, the JEM does not demand a secular government (Flint & DeWaal, 2005, p. 93-94). The JEM has traditionally faced less disunity than the SLA, although it is formed from a much larger collection of tribal groups.

The Sudanese government responded to the formation of these alliances by further arming their militias, known as the Janjaweed, to put down the rebellion (Bannon et al., 2005, p. 3). The government and the Janjaweed adopted a "scorched earth" tactic to calm the rebellion, targeting areas viewed as potential bases for the JEM and SLA and burning villages to the ground and displacing or killing their residents (Bannon et al., 2005, p. 3). The following excerpt taken from

Bringing peace to Darfur: Lessons of the Darfur Peace Agreement explains a representative example:

“A typical attack starts before day break when air assaults drop crude bombs on villages, killing the people while they are still in bed. Amid the ensuing chaos, government troops in military vehicles and Janjaweed forces on horseback commence ground attacks on the villages. They utterly destroy the villages by burning the homes and the crops and looting any livestock and other goods. They kill the men and throw the dead bodies into the drinking water. They rape the women and abduct or kill the children. As they ravage the village, they yell racial slurs at the villagers who are trying desperately to stay alive. Anyone lucky enough to escape the attack is driven into the desert to search for refuge” (Taber, 2008, p. 184).

The Sudanese Government has stated that any attacks it has commissioned were based solely on the basis of military intelligence; however, the U.N. Commission confirmed that government attacks were “deliberately and indiscriminately directed against civilians” (International Commission, 2005, p. 3). The Human Rights Watch has obtained documents citing governmental support of the Janjaweed through “recruitment, armament, and ensuring impunity” (Alta, 2004, p. 1). The Human Rights Watch further stated that, “[t]he Sudanese government at the highest levels is responsible for widespread and systematic abuses in Darfur” (Alta, 2004, p. 2).

As many as 90% of the African villages in Darfur have been destroyed (Bannon et al., 2005, p. 4). Some estimates show more than 300,000 people are believed to have died during the conflict and as many as 2.7 million have been forced to flee their homes (MacFarquhar, 2008, np.). Some estimates show that over 200,000 citizens of Darfur have been displaced and currently reside in neighboring Chad (International Commission, 2005, p. 3). Beyond this figure, there are even a reported 1.65 million people in Internally Displaced Peoples' (IDP) Camps within Darfur, who are still subject to attacks from the Janjaweed (Human Rights Watch, 2007, p. 40).

CALCULATING THE DEATH TOLL

There have been many different studies implemented to attempt to calculate the death toll of the conflict in Darfur. Of these, two of the most prominent results have been reported from the Atrocities Documentation Survey (2004) and the World Health Organization (2004). These surveys also represent two different approaches, in the crime victimization approach and the population health paradigm, respectively. The Atrocities Documentation Survey consisted of semi-structured, random interviews that relied on individual accounts of both personal atrocities as well as directly witnessed atrocities (Documenting Atrocities, 2004, p. 1-3). The World Health Organization's Survey, on the other hand, collected data on the current status of household members, causes of death, including both illness and violence, and availability of basic necessities such as water, food, blankets, etc. (Gergonne & Morgan, 2004, p. 3). Clearly the differences can be seen as the former survey collects data strictly on a victimization level, while the latter is inclusive of humanitarian emergencies. Although the accuracy of the figures presented in these

studies are unknown, they both help to shed light on the seriousness of the crisis in Darfur.

The Atrocities Documentation Survey (ADS) was released by the U.S. State Department in September of 2004. The ADS was compiled from survey interviews of 1136 refugee households in Chad. The report “enumerated thousands of deaths and many more rapes and atrocities that the respondents personally had seen or heard about before fleeing from attacks on their farms and villages over the previous year and a half in Darfur” (Hagan, 2008, p. 107-108). “As of August 2004, based on available information, more than 405 villages in Darfur had been completely destroyed, with an additional 123 substantially damaged, since February 2003. Approximately 200,000 persons had sought refuge in eastern Chad as of August, according to the UN High Commissioner for Refugees (UNHCR); the UN Office for the Coordination of Humanitarian Affairs reports another 1.2 million internally displaced persons (IDPs) remain in western Sudan” (Documenting Atrocities, 2004, p. 1). In terms of specific reported acts of violence, Darfur refugees reported witnessing or experiencing the following:

- Killing of family member – 61%
- Killing of non-family member – 67%
- Shooting – 44%
- Death from displacement – 28%
- Abduction – 25%
- Beating – 21%
- Rape – 16%
- Hearing racial epithets – 33%
- Village destruction – 81%
- Theft of livestock – 80%
- Aerial bombing – 67%

- Destruction of personal property – 55%
- Looting of personal property – 47%

(Documenting Atrocities, 2004, p. 1)

From this report we can begin to understand the types of atrocities taking place in Darfur as well as some scope of their amount. This type of survey takes a traditional criminological perspective, studying crime victimization. The preliminary estimate drawn from the ADS was of 400,000 deaths; although, as with any crime survey, room for error exists. At the release of this report, Secretary of State Colin Powell concluded that genocide had occurred in Darfur (Hagan, 2008, p. 109). The World Health Organization attempts to document the conflict in Darfur, providing a different perspective that will hopefully be more inclusive. "While the ADS design represents a cutting edge example of the use of the crime victimization approach – with its emphasis on incident based reporting of a wide range of different kinds of criminal events before and in the refugee camps – the WHO survey represents an application of the health research approach to complex humanitarian emergencies – with its parallel emphasis on mortality linked to disease and nutritional problems inside the displacement camps" (Hagan, 2008, p. 109).

The World Health Organization's survey was also compiled in 2004, utilizing data collected from the Internally Displaced Persons' (IDP) camps. "The study population include all IDPs within the accessible areas of the three states of Greater Darfur estimated to be 498,528, 382,626 and 288,539 for the West, North and South Darfur respectively by the World Food Programme (WFP). 1500 households per state participated in the survey" (Gergonne & Morgan, 2004, p. 2). "The main cause of death reported during the survey was diarrhea, particularly affecting children under five years old. The age distribution among children suggests an

important deficit in children under two years old. Among adults under 50 years old, injuries and violence were the main causes of death. A large proportion of IDP households had access to basic services, food and non-food items. However, about a third of households still lack access to safe water and sanitation" (Gergonne & Morgan, 2004, p. 11). The WHO survey produced findings on the Crude Mortality Rate (CMR) in Darfur. CMRs represent the number of deaths for a population affected by an emergency situation, calculated as deaths per 10,000 per day for comparison purposes. "A CMR of 1.0 was identified by the U.S. State Department in the mid-1980s as a useful threshold of evaluated mortality in complex humanitarian emergencies (Bureau of Refugee Programs 1985)" (Hagan, 2008, p. 102). A CMR of 2.14 for the North and West IDP camps was found in just two summer months of 2004. Extrapolating from these numbers, David Nabarro concluded that the death rate in Darfur was compounding at a rate of 5,000 to 10,000 persons per month. With the data available from the ADS and WHO surveys, a consensus began to be reached, placing the death toll between 180,000 and 400,000 (Hagan, 2008, p. 110-112). This consensus was not final; however, with the two biggest dissensions attributed to Sudanese President Al-Bashir and the U.S. Assistant Secretary of State, Robert Zoellick.

President Al-Bashir still fails to recognize the genocide, placing his own estimate at 9,000 deaths and refusing to acknowledge any occurrences of rape (Hagan, 2008, p. 131). Past this outrageous claim, another conflicting account of the death toll came from the U.S. Secretary of State Department, who recanted its earlier study and provided the new figures of 60,000 to 146,000 deaths. Robert Zoellick, the Assistant Secretary, Deputy to the newly appointed Secretary of State, Condoleezza Rice, presented these new figures. In a press conference in Khartoum during his visit to Darfur, Zoellick avoided characterizing the conflict as actual

'genocide' and disputed the prevailing consensus of estimated deaths; going on to state that at most 146,000 'excess' deaths occurred, as most of the violent deaths had been suppressed due to the humanitarian response (Hagan, 2008, p. 112).

There is much speculation that the United States' new stance on the conflict in Darfur came about through their allegiance with Sudanese General Gosh. At the time, the U.S. was sharing military intelligence with Gosh, as part of a counter-terrorism plan. Seeing the conflict in Darfur as genocide would implicate General Gosh as a war criminal; therefore, making it impossible to work with him (Hagan, 2008, p. 116). As such, the United States remained silent and did not intervene in Darfur, similar to much of the rest of the world.

INTERNATIONAL RESPONSE

The Darfur conflict provides an example in which the global community has utterly failed in protecting the civilian genocide from the opposing militias. Taking the lead in intervening in the Darfur conflict has been the African Union (A.U.). Although the A.U. does not have the resources to mount a fully effective intervention in Darfur, they have not applied much in the means of resolution at all. "In 2004, the A.U. established a small monitoring mission, the African Mission in Sudan (AMIS), in Darfur, consisting of some 60 monitors and 300 troops to protect them. In mid-2005, the number of troops increased to about 7,000" (Sarwar, 2009, p. 7). Although AMIS put troops in the region, it did not mandate the actual protection of innocent civilians. The only requirement for protection AMIS did make was for when civilians were being attacked in the troop's presence, and still only when the force felt it had "enough troops to intervene" (Sarwar, 2009, p. 8).

The European Union (E.U.) and the North American Trade Organization (NATO) were the other two main international players in the resolution of the Darfur

crisis. The E.U. provided financial backing for the A.U. in its attempts to end the conflict. NATO has provided logistical support for the A.U. mission as well, but refuses to go beyond this role to try to truly induce a resolution.

China has recently become more active in pursuing peace in Darfur; but as one of the seven countries that sell weapons to Sudan as well as its largest international oil importer, it certainly could have gotten much more involved. China has been criticized for its non-action by the global community. "It is argued that China could influence the resolution of the Darfur conflict because of its large trade with and investment in Sudan. China has adopted a 'policy of non-interference' in Sudan's domestic affair and its stand on the Darfur issue is that it must be resolved through dialogue and negotiations" (Sarwar, 2009, p. 8).

As alluded to in the previous section, the United States failed to provide aid and intervene in Darfur; perhaps, due to its political interests. Because of the American government's interest in eliciting information on terrorism from Sudan's intelligence chief, Major General Salah Abdallah Gosh, the genocide may have been overlooked. The United States government's released low-estimated death toll therefore served to protect General Gosh rather than making him out to be a war criminal (Hagan, 2008, p. 116). The United States government has finally succumbed to the mounting pressure to recognize the crisis in Darfur as a genocidal act worthy of international response. Since their decision to intervene, the United States public diplomacy has been at the forefront of international response. "The U.S. has imposed economic sanctions on seven Sudanese individuals and more than 160 companies owned or controlled by the government of Sudan or linked to the militia to increase the pressure on Khartoum to end the violence in Darfur. It has maintained bilateral and multilateral sanctions on the government of Sudan,

including arms embargoes, restrictions on imports and exports, and an asset freeze. However, it has yet to put real pressure on Khartoum for ending the sufferings of the Darfurians" (Sarwar, 2009, p. 8).

Because only a global intervention mediation effort supported by all of the above international players listed would be effective in order to stop the genocide in Darfur, it is necessary that the United Nations become further involved. The leading international forces failed in their efforts to resolve the Darfur conflict. "The A.U. mission has failed to stop the atrocities because of many shortcomings (a weak mandate, troop shortages, uncertain funding stream, and little institutional support). The E.U. and NATO have made it clear that they would not commit their own forces. China has also failed to respond because of its oil ties to the Sudan" (Sarwar, 2009, p. 7). Therefore, United Nations intervention was necessary to ensure that a coordinated, properly resourced, and legitimate international response to the conflict was implemented.

The U.N. Security Council (UNSC) has adopted 26 resolutions since the start out the conflict in Darfur as well as sending constant warnings to the Sudanese government. The following are the major UNSC resolutions passed:

- 1556 (2004) – mandated the government of Sudan disarm the Janjaweed militias and bring them to justice. Also imposed arms embargo on non-governmental entities.
- 1564 (2004) – created an International Commission of Inquiry to report on violations of human rights and humanitarian law in Darfur.
- 1590 (2005) – established U.N. Mission in Sudan (UNMIS).

- 1591 (2005) – called for a ban on offensive military flights over Darfur, extended arms embargo to all in Darfur, and authorized targeted sanctions (travel ban and asset freeze).
- 1593 (2005) – referred the matter to the International Criminal Court (ICC). The investigation by the ICC was stonewalled by the Khartoum.
- 1679 (2006) – called on non-signatories to sign the Darfur Peace Agreement (DPA) that called for acceleration of transition to U.N. operations in Darfur.
- 1706 (2006) – mandated the U.N. Mission in Sudan (UNMIS) to take over the African Mission in Sudan (AMIS). This resolution was rejected by the Sudan government.
- 1769 (2007) – established the joint A.U.-U.N. Hybrid Mission in Darfur (UNAMID).
- 1828 (2008) – extended the mandate of the UNAMID for another year until July 31, 2009.
- 1881 (2009) – extended the mandate of the UNAMID for one more year.

(Sarwar, 2009, p. 8-9)

Although all of these UNSC resolutions were passed, all were extremely difficult to operationalize in Darfur. With the resistance of the Sudanese government and the lack of a U.N. force, or even a unified force, to implement and ensure the changes, the hope of ending the conflict seemed lost. So, while the UNSC made some great suggestions for ending the conflict in Darfur, they were ineffective overall in ending the genocide.

Resolution 1769 established the United Nations and the African Union agreement on a three-phase action plan for Darfur, the U.N. Darfur Plan. "The first phase involved U.N. provision of logistical and technical support for the African Union Mission in Sudan (AMIS). The second phase involved the deployment of 3,000 U.N. peacekeepers, including gunship helicopters, in the Sudan. And, the third phase involved the 'heavy support package' that entailed the deployment of a 20,000-strong hybrid A.U.-U.N. force" (Sarwar, 2009, p. 9). Although the first two phases were unable to contain the crisis, the U.N. still hoped to implement the final phase. The U.N. deployment of UNAMID began in early 2008.

In accordance with the UNSC mandate, UNAMID pledged to have 26,000 military, police, and civilian personnel; the largest peacekeeping mission ever implemented. The UNAMID mandate stated the following objectives: "promoting the re-establishment of confidence, deterring violence, providing security through patrolling, and deploying police forces in areas where internally displaced persons (IDPs) are placed" (Putting People First, 2008, p. 3). After the first two years of the adoption of Resolution 1769, the U.N. mission came to a standstill, failing to guarantee any further protection to the people of Darfur (Sarwar, 2009, p. 9). As of May 26, 2009, UNAMID military personnel was a force of 13,455, of a total authorized 19,555, including 12,814 troops, 378 staff officers, 179 military observers, and 84 liaison officers (Deployment of the AU-UN, 2009, p. 7). While 12,814 troops seems like a significant force in ending the conflict in Darfur, it realistically falls far short of what would be necessary in order to truly ensure peace. Even the U.N. Secretary General, Ban Ki-moon, stated that, "The continued lack of key military enabling units, such as the medium transport units, an aerial reconnaissance unit, 18 medium utility helicopters and a Level-II hospital in El Fasher, continuous to be a source of concern, as well as the adequate maintenance

of contingent-owned armored personnel carriers. In addition, the withdrawal of Canadian-owned armoured personnel carriers by June 30, 2009 could create a temporary decrease in operational capacity for up to three months while units await the arrival of their new equipment" (Deployment of the AU-UN, 2009, p. 8).

There are various reasons responsible for the failure of the hybrid UNAMID mission. First and foremost is the global community's failure to respond with the required resources, equipment, and personnel. Many of the important international players were simply invested enough to send personnel who meet the U.N. peacekeeping standards for training and equipment. In addition to this, many countries that had pledged troops to the mission pulled out due to the dangerousness of the situation in Darfur. Another aspect in the failure of implementing the UNAMID mission has been the resistance of the Sudanese government. U.N. Secretary General Ban Ki-moon in commented on this resistance, stating that, "The mission faced considerable challenges with respect to its freedom of movement and ability to implement its mandate. When taken together, these incidents signal a negative trend with regard to the [Sudanese] government's cooperation with the UNAMID, and include: the obstructions of UNAMID patrolling activities, primarily by government checkpoints; the detention of quick-impact projects implementing partners; confiscation of quick-impact project funds; the detention and apparent mistreatment of UNAMID national staff; and the prohibitively slow pace with which visas are currently being issued" (Deployment of the AU-UN, 2009, p. 9).

IMPLICATIONS

Running throughout this paper has been the inability of the global community to not only grasp the true nature of the genocide in Darfur, but also the

ineffectiveness in which the conflict was dealt with. The conflict in Darfur is of a very complex nature; spanning social inequalities for centuries. It involves multiple players inside the nation, each with its own interests. The current genocide has continued over the past decade, with no end foreseeable in the near future. Calculating the death toll has not been an easy task and has resulted in many different estimates, the accuracy of which no one can be sure of. Even the best available data leaves us with a consensus estimate of between 180,000 and 400,000 deaths. Without an accurate death toll, it becomes very difficult not only to truly grasp the atrocities committed, but also to hold those responsible accountable.

Looking to the future, it will become necessary to be able to obtain an accurate death toll for future atrocities. Although we know this task will be difficult, it is not impossible, and we will be able to use what we have learned from the Darfur conflict to improve our methods. Implementing both the ADS and WHO surveys, we were able to utilize two methods (both a victimization survey and a population health paradigm), eventually coming to a superior consensus than we otherwise would have. While critics can debate the inaccuracies of both surveys separately; when used together, we are able to obtain a much better picture of a tragedy. Therefore, it will be important to implement the traditional criminological studies on victimization in atrocities as well as utilizing new methods to improve our understanding of these human emergencies.

Moving on to accountability, it is important that in the future, we are better able to not only assign accountability within a conflict, but also to the global community's role in protecting the innocent victims. Above is the cited ineffectiveness of both the U.N. and the leading international powers in suppressing the violence in Darfur. All outside forces have faced strong opposition in the form of

the Sudanese government's refusal to recognize any of the atrocities happening inside their borders; however, with a more unified and committed response from the global community with U.N. backing, a superior effort could have been made in bringing peace to Darfur. The highlight of the endeavors has been the International Criminal Court's prosecution of some of the Sudanese government officials responsible for these war crimes.

The International Criminal Court (ICC) has brought charges against Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman for their crimes including: crimes against humanity, war crimes, including murder, persecution, forcible transfer of population, rape, inhumane acts, imprisonment or severe deprivation of liberty, torture, attacks against the civilian population, destruction of property, pillaging, and outrage upon personal dignity (Warrants of Arrest, 2007, p. 2). The ICC's ability to successfully prosecute these international criminals is important for the overall mission of bringing justice to Darfur and exemplifies the multi-faceted, integrated response necessary in these types of situations (Totten & Tyler, 2008, p. 1079). While it is impractical for the ICC to prosecute for all of the crimes committed across the large number of human rights violations in Darfur, these trials have been important in establishing the precedent that war criminals will be prosecuted in international court. Further, it is important that the Sudanese courts follow suit and continue in the prosecution of human rights violators and also to include both truth commissions and victims' rights commissions. "In this way, more perpetrators will be held accountable for their crimes, and more victims will have the opportunity to experience first-hand the actual trial and sentencing of perpetrators, whether as testifying witnesses or as members of the public during trial proceedings.... By increasing opportunities for victims to experience first-hand the administration and application of justice, reconciliation in a post-crisis Darfur society will be better

promoted and achieved, and victims and survivors will, in turn, be better able to transition into their new society" (Totten & Tyler, 2008, p. 1079).

Looking towards the future, it is important that we integrate all of our approaches to dealing with genocides or any other types of international crimes that we may face as a global community. From documenting atrocities, intervening, assigning accountability, and prosecuting criminals, we must transition responsibility into the global community that we have become. Globalization has become the current trend in our world; and, as such, our responses to international crimes must follow suit. International criminology, now and in the future, will rely on the study of these atrocities and the integrated approaches we must take to better understand and prevent them. With the advancement of globalization, criminologists must turn the focus from the individual, specific crimes to a broadened spectrum of international crimes that truly affect the majority of the global population.

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