

The Sudan Armed Conflict And Geneva Convention On Laws Of War

Goddy Uwa Osimen, PhD & Dele-Dada Moyosoluwa

Department of Political Science and International Relations, Covenant University Ota, Nigeria.

Goddy.Osimen@covenantuniversity.edu.ng

Moyosoluwa.dele-dadapgs@stu.cu.edu.ng

Abstract

The Geneva Convention establishes guidelines for the conduct of war and the protection of civilians. Nonetheless, the convention is still regularly broken in current wars. This research examines how effectively the Geneva Convention was observed during the conflict in Sudan. The findings reveal several instances of violations throughout the Sudan conflict, such as indiscriminate attacks on civilians, the recruitment of minors, the use of illegal weapons, and even genocidal crimes. It has been established that the Geneva Convention is still applicable, but is routinely ignored in contemporary conflicts such those in Syria, Yemen, and Myanmar. This study concludes that it is crucial for all actors in international system to abide by the dictates of the convention and that those who break them must face the consequences.

Keywords: Geneva Convention, conflict, laws of war, Sudan.

1.1 Introduction

The Geneva Convention is a set of international standards governing behavior during war and the treatment of individuals afflicted by war (ICRC, 2022). It is also known as the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Despite the existence of norms to guide hostilities and protect civilians in armed conflicts, both state and non-state actors occasionally fail to comply with the Convention. Contemporary conflicts continue to see indiscriminate attacks on civilian populations, recruitment of child soldiers (Bassiouni, 2018). The Sudan conflict is analyzed in this study with respect to the implementation of the Geneva Convention. The results demonstrate multiple instances of convention violations during

the Sudan conflict, including untargeted assaults on civilians, enlistment of underage soldiers, utilization of unauthorized weaponry, and genocidal acts. The Geneva Convention is still relevant, but it is determined that it is regularly disregarded in contemporary conflicts such as those seen in Syria, Yemen, and Myanmar.

The deployment of chemical weapons like sarin gas in the ongoing Syrian civil war is a flagrant breach of the Geneva Convention. Cluster bombs and landmines are both outlawed by the Convention on Certain Conventional Weapons (ICRC, 2022). Prisoners have been reported tortured, sexually assaulted, and treated harshly in conflicts such as the ones in Afghanistan and Iraq (Stein, 2015). Another example of a scenario that is both complex and destructive is the war in South Sudan, which has resulted in widespread killing and displacement and gross violations of human rights. The origins of this conflict can be traced back to 1956, when Sudan gained its independence from British colonial domination. The country was left deeply divided along ethnic, religious, and political lines. These divisions sparked decades-long civil war between the mainly Muslim north and predominantly Christian and animist south (Nyadera, 2018).

In a fascinating turn of events, the signing of the CPA in 2005 officially ended a civil war that had raged for the better part of two decades. A ray of hope was provided by this historic agreement, which gave the southern region some degree of autonomy and set the stage for a referendum on self-determination six years later (Aalen, 2013). The year 2011 witnessed an extraordinary event as the people of South Sudan resoundingly voted for independence, claiming their place as the world's youngest nation. However, this euphoria was short-lived, as turmoil erupted once again in 2013, a mere two years after achieving independence (Kuol, 2020). This new wave of conflict arose from a power struggle between President Salva Kiir and his former vice-president Riek Machar, who hailed from different ethnic backgrounds. The political rivalry quickly morphed into an ethno-centric battle, pitting Kiir's Dinka tribe against Machar's Nuer tribe (Kuol, 2020).

Rapidly, the situation escalated into a full-blown civil war, complete with horrible acts of brutality and breaches of human rights. Extrajudicial killings, sexual assault, and the forcible relocation of residents were just some of the atrocities committed.

Atrocities against civilians, including the employment of child soldiers, rape, and murder, have been blamed on both sides of the fight (Nyadera, 2018). Millions of people have been displaced and need immediate humanitarian aid as a result of this conflict, which has had devastating humanitarian implications. Millions of people in South Sudan are in danger of becoming hungry and lack access to essential necessities, prompting the United Nations to label the situation there as one of the world's worst humanitarian catastrophes (Blanchard, 2014).

The Geneva Convention is a set of rules for the protection of civilians, prisoners of war, and wounded or ill soldiers. It also prohibits certain weapons and tactics (ICRC, 2022). However, as previously stated, numerous violations of this Convention have occurred in modern warfare. This includes instances within the Sudan conflict itself.

In light of the ongoing conflict in South Sudan, it is vital to evaluate the legal implications of the Geneva Convention. Therefore, the purpose of this study is to examine the Geneva Convention and its relevance to and effectiveness in contemporary conflict in the Sudan. Moreover, this investigation will draw upon diverse resources such as the Geneva Convention itself, scholarly articles, reports, and other relevant sources pertaining to the South Sudan conflict. The aim is to present a comprehensive comprehension of the Convention's implications.

2.1 Progressive Expansion of the Geneva Convention on Laws of War

The Geneva Convention became historically significant once its usefulness in battle was first shown in 1866. The Convention wasn't drafted until 1882, and it wasn't ratified anywhere until decades later (ICRC, 2020). The original Geneva Conventions have been superseded by later agreements that are now law. Beginning with the Declaration of St. Petersburg in 1868, given at a convention hosted by Tsar Alexander III of Russia, the "Hague Current" may be traced back to its origins.

In it, the signatories set fundamental guidelines for the conduct of conflicts and banned the use of explosive bullets. When Tsar Nicholas II called for the First Peace Conference to be held in The Hague in 1899, many important conventions were ratified with the goal of lessening the destruction caused by war. Balloon-launched

projectiles, poisonous gases, and dumdum bullets were all outlawed as a result of these Conventions (Webster, 2017).

Modern International Humanitarian Law can be traced back to the 1864 passage of the First Geneva Convention; yet, the convention's contents were not groundbreaking at the time. According to Matheson (2017), the Convention is heavily based on customary international law. Early forms of legislation designed to protect vulnerable populations and regulate military strategy date back to around 1000 BC. Although economic rather than humanitarian concerns prompted the establishment of these norms and practices, the latter were ultimately more beneficial.

After the horrors of World War I, a Protocol restricting the use of poison gas was ratified in 1925. Despite being enacted in Geneva, this Protocol is governed by The Hague Convention. The Red Crescent insignia was officially recognized in 1929 after it had been discussed at a diplomatic conference in Geneva that led to the second amendment of the 1864 Convention. The "Convention pertaining to the treatment of Prisoners of War," which had been briefly addressed in the Peace Conferences of 1899 and 1907, was also accepted at the Conference (Mears, 2013).

All four of the existing Geneva Conventions were signed in 1949, shortly after World War II ended. The Fourth Convention was added to the set of conventions and many articles from earlier versions were reworded to better safeguard civilian populations (Aldrich, 2017). Article 3 of the 1949 Geneva Conventions was the first international provision applicable to non-international military situations (Bouvier & Langholtz, 2012), which strengthened the diplomatic conference.

Victims of both international and non-international armed conflicts were addressed in two Protocols annexed to the Geneva Conventions in 1977. The Protocol on international armed conflicts provided more rights for victims, while the Protocol on non-international armed conflicts stressed the importance of protecting children and warned that armed groups should not recruit minors under the age of 18 for combat purposes (Bugnion, 2017).

The United Nations sponsored and ratified the "Convention on prohibition or restrictions on the use of conventional weapons that may be determined to be overly destructive or to have effects that

are indiscriminate" in 1980. Provisions prohibiting the use of mines, booby traps, blazing weapons, and invisible objects can be found in international treaties. The Geneva Conventions and its Additional Protocol establish standards for the treatment of combatants, POWs, and civilians in armed conflict. In addition, in order to maintain minimum humane standards, the protection of hospitals, places of worship, and medical professionals is a top priority in these accords (Sangyk, 2017).

In 1993, a worldwide agreement entered into force. This treaty outdid the 1925 Geneva Protocol in its prohibition of chemical weapons development, manufacture, stockpiling, and use. In addition, a Convention was signed in Ottawa, Canada, in 1997, making it illegal to use, produce, store, or transmit antipersonnel mines.

The Rome Statute, which established the International Criminal Court (ICC) and mandated that international criminals be brought to justice wherever they may be found, was ratified in 1998 (Vagias & Dugard, 2014). Subsequent years saw the approval of a third emblem, the red crystal, as well as the convention prohibiting the use of cluster bombs, among other protocols and treaties addressing various aspects of armed conflicts and the preservation of cultural property.

The Geneva Convention establishes rules meant to protect civilians and their belongings during times of war. With 172 states having ratified the First Protocol and 166 governments having ratified the Second Protocol, the conventions are among the most widely recognized international agreements. The four Geneva Conventions are extremely important in international humanitarian law (Bellinger & Padmanabhan, 2011), and 194 countries have ratified them.

3.1 History of Sudan Conflict

This section explores the history of Sudan conflict since 1955 till 2023.

3.1.1 History of Sudan Civil War (1955-1972)

Fighting broke out between the northern and southern parts of Sudan in the first Sudanese Civil War, which lasted from 1955 to 1972 (Sefa-Nyarko, 2016). According to Sefa-Nyarko (2016), the fighting started a year before Sudan was to become independent

from Britain. The Sudanese government and SSLM were the main parties involved. On August 18, 1955 (Voller, 2019), the demonstration in the town of Torit was met with force by the Equatoria Corps, primarily comprised of southern British Colonial soldiers. The central authority in Khartoum ordered northern forces to replace the southern soldiers who sympathized with the protestors. As a result, southern soldiers rose up and slaughtered 336 northerners (both soldiers and civilians). The insurrection that began in Torit spread to other parts of southern Sudan (Kumsa, 2017).

There were other things besides these immediate causes that exacerbated the dispute. Over 80% of Sudanese people are Muslims, according to Worden (2019), while Christians and followers of indigenous religions make up the southern region. Southern Sudanese has cultural ties to Ethiopia and other newly independent republics in Sub-Saharan Africa, whereas Northern Sudanese speak Arabic and identify with Saudi Arabia and North Africa (Chidozie, Aje, & Ogunnowo, 2020).

Guerrilla tactics were used by Southern Sudanese soldiers in their conflict against the northern government since they lacked the wherewithal to launch a full-scale conventional assault. There were also reports of the use of child troops. The rebels in Southern Sudan eventually divided in two as the fighting wore on.

The administration in Khartoum had a tough time suppressing the uprising. Northern forces' inability to quell the uprising resulted in a series of coups and the installation of new governments (Voller, 2019). Although interim Prime Minister Muhammad Ahmad Mahgoub offered amnesty to rebels in 1975 in exchange for surrendering their weapons, the rebels refused the offer and combat continued (Elamin, 2018). The civil war in Southern Sudan broke out in 1965. Nearly half a million individuals, mostly from the South, had been killed in the civil war by 1970 (Johnson, 2016). Once in power, General Gaafar Nimeri nationalized the Sudanese government following communist lines in 1969 (Chidozie & Joshua, 2015; Thomas, 2017). After narrowly escaping an assassination attempt by Sudanese communists in July 1969, Nimeri broke away from socialism with military help from the Soviet Union. He allowed foreign investment into Sudan on July 19, 1971 (Berridge, 2015). The First Sudanese Civil War was formally resolved with the signing of the Addis Ababa Accord on March 27, 1972, eight

months later. Khartoum's administration and southern rebels came to an accord (Ylonen, 2017). In 1983, after eleven years of calm, the Second Sudanese Civil War broke out, and it was larger and bloodier than the first (Sefa-Nyarko, 2016).

3.1.2 Second Sudanese Civil War (1983-2005)

Over the course of the unprecedented 22-year Second Sudanese Civil War (Young, 2016), the SPLA and the central government in Khartoum engaged in a bloody conflict. The conflict spread from Southern Sudan to other parts of the country, notably the Nuba Mountains and the Blue Nile, according to recent studies (Moro et al., 2017). Approximate two million lives were lost as a direct result of this sad war and its aftereffects. South Sudan became an independent nation in 2011 despite all this upheaval (Blanchard, 2016). This revolution was fueled in large part by the breaking of the Addis Ababa Accord, which ended the first Sudanese Civil War in 1972.

In 1978, North Sudan's President Gaafar Nimeiry pushed for dominance in the area along the country's southern border after oil was discovered there (Craze et al., 2016). President Nimeiry also broke the agreement in 1983 when he abolished the predominantly Christian Southern Sudan Autonomous Area and replaced its law with Sharia law throughout the country (Moro, 2017). In South Sudan, where the majority of the population is not Muslim, the imposition of Sharia Law has led to widespread oppression.

The SPLA was created by John Garang and other Southern Sudanese rebels as a means of fighting back against the government in Khartoum (Rolandsen, 2015). The SPLA used more child soldiers than the FNLA did, but both sides used them (Rolandsen, 2017). After a coup d'état in April 1985 deposed Nimeiry, the new government quickly reversed the 1983 order, a sign of its commitment to bringing peace between the north and the south (Nyaba, 2019). The newly installed administration in Khartoum, led by Prime Minister Sadiq al-Mahdi, and the Sudan People's Liberation Army, led by Col. John Garang, met for formal negotiations in May 1986. At the same time, the Sudan People's Liberation Army (SPLA) and other political groups from Sudan met in Ethiopia to write the Koka Dam statement (Ali, 2015), which demanded the end of Islamic authority and the holding of a

national constitutional conference. The SPLA and the DUP signed an agreement to end hostilities and break military pacts with Egypt and Libya in 1988 (Elamin, 2018). Egypt and Libya had previously supplied guns to the Khartoum regime. Atrocities and human rights breaches were committed by both sides of the conflict throughout the 1990s, despite the government of Sadiq al-Mahdi's ratification of a peace plan in February 1989 (Ali, 2022).

The Machakos Protocol was signed by the government of Sudan and the SPLM in July 2002. The CPA was signed in a Kenyan city and has served as the basis for subsequent negotiations (Sudan, 2022). The civil war in Sudan was officially ended when the CPA was signed on January 9, 2005, after months of negotiations. Six years later, in 2020, South Sudan finally became independent thanks to the historic agreement that had been reached.

3.1.3 South Sudanese Civil War (2013-2022)

After a political dispute between President Kiir and Vice President Machar in December 2013, violence erupted between the presidential guards of South Sudan's main ethnic factions. According to reports (Feyissa, 2017), Machar was fired because of this event. The majority of the Dinka and Nuer armies supported Kiir and Machar, respectively. The states of Jonglei, Upper Nile, and Unity all became embroiled in fighting after Kiir accused Machar of plotting a coup (Lomeri, 2016). Armed groups committed acts of discrimination based on ethnicity from the very beginning of the conflict, including rape, property destruction, pillaging, and the recruitment of children (Lomeri, 2016).

In August 2015, Kiir and Machar in the Democratic Republic of the Congo reached a peace agreement under the pressure of international sanctions and discussions backed by the IGAD (Back, 2017). It was a major step toward ending the civil war when, in April 2016, Riek Machar, who had spent more than two years outside of South Sudan, was reinstalled as Vice President (Phillip-Apuuli, 2015). After his return, however, the conflict picked back up, forcing the relocation of tens of thousands of civilians. Machar was apprehended in South Africa after evading capture for a long time. Several ceasefire agreements were signed in 2017 and 2018 but were broken by both sides and other parties (Okeke et al., 2021).

After more than five years of war, Uganda and Sudan facilitated talks in June 2018 between Kiir and Machar (Nyadera, 2018). They agreed to a ceasefire and power-sharing in the Khartoum Declaration of Accord, signed at this time (Okeke et al., 2021). A permanent ceasefire and power-sharing deal were achieved in August 2018, despite occasional violations. A ceasefire was agreed upon by the government, Machar's opposition party, and other rebel troops (Brief, n.d.). According to the Revitalized Agreement on the Settlement of the Conflict in South Sudan, Machar was re-instated to his position as Vice President (Darboe, 2022).

Machar returned to South Sudan in October 2018 after the war's official end to take part in a nationwide celebration of peace. The history of failed peace treaties and the prospect of further attacks and violations raise concerns about the weak ceasefire's long-term viability. Official casualty estimates are difficult to come by, although a research published in April 2018 (Afriyie et al., 2020) suggested that between 400,000 and 4 million people were displaced either within or outside the nation.

About 6,000 security troops were authorized for rapid deployment at the end of December 2013 by the United Nations Security Council to aid in nation-building efforts (Dobbins et al., 2019). There would be an increase to the current force size of 7,600 soldiers. The mission's mandate was changed from nation-building to civilian protection in May 2014 after an extraordinary resolution by the Security Council. Since refocusing its efforts, the United Nations Mission in the Republic of South Sudan has encountered serious difficulties, including a worsening security situation and a tense relationship with the government (Stammes, 2015). In 2016, the Security Council approved sending an extra 4,000 troops to a regional protection force, but they weren't actually sent until August 2017 (Dobbins et al., 2019).

3.1.4 Ongoing Conflict in Sudan (2023)

Foreign invasions, ethnic tensions, religious disagreements, and struggle for resources are only some of the threads that make up the history of violence in Sudan. Over 1.5 million people lost their lives in Sudan's two civil conflicts between the central authority and the southern provinces. Additionally, over 200,000 lives have been lost, and two million people have been displaced, due to the ongoing fighting in Darfur.

Violence between the RSF and the SAF broke out on many fronts, including Khartoum and its airport, on April 15, 2023. Key strategic sites such as the Presidential Palace and General al-Burhan's residence turned into intense battlegrounds. Responding to these hostilities, the SAF swiftly implemented airport closures and launched airstrikes targeting RSF positions, ultimately resulting in the capture of Sudan TV's headquarters by RSF forces. Escalating the conflict further, heavy weaponry was deployed, leading the SAF to accuse the RSF of deliberately targeting civilians and engaging in acts of looting and arson (Aljazeera, 2023). Despite the declaration of a ceasefire, fighting persisted, accompanied by a wave of prison escapes. Intercommunal clashes compounded the situation, prompting concerns from the World Health Organization regarding the seizure of the National Public Health Laboratory. The conflict continued unabated, with reports of heavy artillery fire in Omdurman, culminating in an all-out offensive launched by the SAF, employing airstrikes and heavy weaponry to oust the RSF. Concurrently, civil servants were placed on indefinite leave, and the casualty count surged, with nearly 5,000 people reported injured since the inception of the conflict (United Nations, 2023).

According to official reports from the WHO and Sudan's Federal Health Ministry, as of May 9, the death toll stood at a minimum of 700 individuals, with over 5,100 others sustaining injuries (United Nations, 2023). However, alternative sources such as the Sudan Doctors Syndicate reported a death toll of at least 487 civilians and 2,175 injured individuals. UNICEF also documented the deaths of nine children, with 50 others sustaining injuries during the course of the hostilities (Aljazeera, 2023). Notably, Save the Children UK expressed their concern over the alarming number of child casualties, indicating a minimum count of 190 deaths. It is important to acknowledge that the actual number of casualties might be higher, as limited access to medical care has hindered accurate reporting. The Sudanese Red Crescent has underscored the significant impact of the conflict in terms of casualties (Aljazeera, 2023).

4.1 Negative Impact of Sudan Conflict

- i. **Starvation:** As a result of the second wave of fighting in Juba, the situation in Sudan swiftly deteriorated after it had previously been stable. In a nation grappling with existing food security challenges, the population in this particular

area, known as the agricultural epicenter of the country, has surged to 6 million individuals. This is noteworthy considering that this region serves as the heartland of agricultural production in the country (Al Jazeera, 2016). In February of 2017, the administration of Unity state and the United Nations made a joint declaration that the state was experiencing a famine. In a remarkable turn of events, the declaration made recently marked a significant milestone, unmatched in the past six years across the globe. Following this solemn announcement, the government swiftly implemented a drastic measure by increasing the price of a business visa from \$100 to an astonishing \$10,000. Interestingly, this decision specifically targeted individuals working in humanitarian fields (Alaraby, 2017).

- ii. **Internally Displaced Persons:** Because of the current scenario, a large portion of the people has fled the country. The Washington Post reports that over 2.5 million people have fled to neighboring nations like Chad, the Central African Republic, and Ethiopia. With thus many people uprooted from their homes, the country ranks third globally, behind only Syria and Afghanistan. About 86 percent of the displaced are either women or children (Al Jazeera, 2017). Sudan's extraordinary generosity in embracing refugees has been widely praised. According to Newsweek (2017), in 2016, Sudan accepted more refugees than all the migrants who crossed the Mediterranean Sea to reach Europe. A piece of land thirty feet by thirty feet is given to any family who is helping a refugee. This allows them to build homes and also have space available for farming activities. Consequently, the Refugee Settlement in Sudan has rapidly grown into one of the largest refugee camps globally since its establishment (The Guardian, 2017).
- iii. **High Mortality Rate:** In the midst of the fierce battles that took place in Juba, it was reportedly a devastating scene. Tragically, several soldiers died and were injured over the first two days of fighting; estimates put the number of deaths at 66 on or around the 15th and the number of wounded at 800 (BBC, 2013). However, the true number of

victims is likely much higher than the numbers presented here. By the 23rd of December, it was estimated that tens of thousands had perished, far exceeding the initial estimates of roughly a thousand casualties (Howden, 2013).

On January 9, 2014, a report based on an investigation by the International Crisis Group was made public. According to their research, this war may have claimed the lives of as many as 10,000 people. An even more worrisome range, between 50,000 and 100,000 deaths, was projected in a subsequent assessment produced by the same group in November 2014 (International Crisis Group).

These numbers were echoed by Radio Tamazuj (2014), which cited information from a senior officer within SPLA stating that over twenty thousand government soldiers had been killed or wounded by November 2014.

Furthermore, according to this senior officer's account from January to October in that year alone there were staggering numbers: with approximately ten thousand six hundred fifty-nine soldiers killed and nine thousand nine hundred twenty-one left seriously injured (Radio Tamazuj). As time went on and years passed since the outbreak of violence in Juba, the situation only worsened. By March of 2016 - already two years into the conflict - off-the-record estimates began to emerge suggesting an even more catastrophic figure: potentially reaching as high as three hundred thousand lives lost (Wayback Machine).

A study published in April 2018 by researchers at the London School of Hygiene and Tropical Medicine presented a bleak picture. According to the research, the battle was directly responsible for the deaths of almost 383,000 people. One hundred and ninety thousands of these deaths may be traced back to violent acts; most of these killings happened in the states of Jonglei, Unity, and Equatoria. While the recorded death toll is tragic, it is possible that the actual number is much higher (Beuters).

The death toll continued to rise as more occurrences occurred in the middle of the turmoil and destruction. On December 18th, militants seized control of a United Nations base resulting in the

tragic loss of two Indian soldiers (BBC). Furthermore, hostile fire targeted three Osprey planes belonging to the United States military, resulting in injuries sustained by four US personnel (BBC).

5.1 Violation of Geneva Provision in Sudan Conflict

Many violations of the Geneva Conventions can be found in the Darfur region of the Sudanese conflict. When rebel groups in Darfur took up weapons in 2003, the Sudanese government responded with a ruthless and oppressive assault. Human rights have been consistently violated during the conflict, forcing millions to flee their homes. These violations encompass a range of offenses:

- i. **Attacks on Civilian Center:** The United States of America and various other relief organisations have accused the government of purposefully delaying aid in order to starve off citizens who support rebels as a sort of collective punishment (Kauperman, 2022). Wek Ateny, a spokesman for the president, briefed media on the news that rebel soldiers had assaulted the hospital in Bor and killed 126 of the 127 patients who were inside. It appears that the rebels chose to spare a blind elderly man (Odera, 2014). As of the 31st of January, 2014, 240 members of the staff and patients of Doctors without Borders in Leer, which is located in the state of Unity, were forced to flee into the surrounding bush because government troops were attacking the town in violation of a negotiated cease-fire agreement. Thousands of residents fled to the nearby forests. The vast majority of Doctors without Borders' former employees based in Leer were unable to get in touch with their organisation at any point in time (Enough, 2014). A possible motive for the government's invasion is that it is Riek Machar's hometown (Voice of America, N.d). On April 18th, shocking news reached the United Nations. A devastating attack had taken place in South Sudan, causing the loss of 58 lives and leaving over 100 individuals injured. The target of this brutal assault was a facility that provided crucial protection to hundreds of innocent civilians (Daily Star Online, 2014).

Tragically, on April 17th, 2014, another attack had occurred on a United Nations installation in Bor. This merciless act resulted in the tragic deaths of 58 people (The Guardian,

2014). Out of those who fell victim to this horrifying event, a staggering number of 48 were innocent individuals. Only a mere ten attackers met their own demise (The Guardian, 2014).

The Secretary-General of the United Nations at that time, Ban Ki-moon, did not mince words when he referred to this assault on peacekeepers as nothing short of a war crime. The United Nations Security Council echoed his sentiments and expressed their profound horror regarding this distressing incident (Steve, 2014).

Adding to the list of atrocities committed during these troubling times is an assault launched by the government later in 2016. Yei became the unfortunate target as three villages were mercilessly destroyed and more than 3,000 houses were reduced to ruins within one community alone (Voice of America, 2017). These events paint a grim picture indeed.

- ii. **Ethnic Cleansing:** Both the SPLM and the SPLA, which has been accused of being governed by the Dinka, engaged in a struggle with racial overtones (Esuruku, 2021). There was a great deal of speculation that the Jieng Council of Elders, which is a conservative Dinka lobbying group, was the driving force behind many of the more radical policies taken by the SPLM (Nyaba, 2019). Throughout its history, the SPLA has drawn its soldiers from a very diverse group of different tribes. Despite this, the majority of the SPLA's fighters throughout the war hailed from the Dinka homeland in Bahr el Ghazal. As a result, the SPLA became known as "the Dinka army" within South Sudan (Alastair, 2017). Despite numerous allegations that it is responsible for extensive crimes, the SPLA maintains that the "Mathiang Anyoor" (brown caterpillar) organisation, also known as the "Dot Ke Beny" (Save the President) group, is nothing more than another battalion (Alastair, 2017). There were charges that Dinka soldiers led by Mathiang Anyoor carried out pogroms in the suburbs of Nuer towns shortly after the purported coup in 2013 in Malakal, which was held by the government, and there were reports of door-to-door searches of Nuers in government-held Malakal (The Guardian, 2013). During an assault on a police station in the Gudele neighbourhood of Juba, at least 240 male Nuer

were gunned down and killed. During the fighting that took place in the Upper Nile region in 2016–2017 between the SPLA and the SPLA–IO affiliated Upper Nile group of Uliny, the Shilluk who lived in Wau Shilluk were forced to flee their homes (ABC News, 2017). When the South Sudanese government moved approximately 2,000 citizens, the majority of whom were Dinka, to unoccupied districts, Yasmin Sooka, the chair of the Commission on Human Rights in South Sudan, accused the government of "social engineering" (ABC News, 2017). According to the monarch of the Shilluk Kingdom, Kwongo Dak Padiet, his people are facing a death sentence that can be interpreted both literally and symbolically. In the Equatoria region, it has been alleged that Mathiang Anyoor and the Dinka army committed a number of atrocities, deliberately targeting civilians based on their ethnicity (Alastair, 2017). Adama Dieng, the United Nations Special Adviser on the Prevention of Genocide, issued a stark warning after seeing battle zones in Yei. He stated that genocide is imminent (Star Tribune, 2017). Authorities of the Murle-led Boma State and Khalid Boutros of the Cobra faction have accused the SPLA of supporting attacks by Dinka from Jonglei state against Boma state. Moreover, in 2017, soldiers from Jonglei state invaded Kotchar, which is located in Boma state (Radio Tamazu, 2017).

Machar, the head of an SPLM-IO faction that was mostly Nuer, was responsible for the deaths of people of Bor, most of whom were Dinka, in 1991. In April of 2014, when rebels retook the city of Bentiu, they conducted the massacre at the mosque, in which they caused the deaths of two hundred people who were worshipping there. During the process of segregating individuals, the rebels proceeded with their executions by selecting targets from diverse ethnic backgrounds, as reported by Yahoo News in 2014.

- iii. **The Use of Child Soldiers:** Over 17,000 children have been involved since the conflict began; 1,300 were recruited in 2016 alone (UNICEF, 2017). This practice has its roots in the first civil war that ravaged Sudan from 1955 to 1972. South Sudanese soldiers fought against the northern government

using guerilla tactics, including recruiting children (UNICEF, 2016).

- iv. **Violence against United Nations Troops and Foreign Workers:** There has been a dramatic shift in the government's use of violence against foreign peacekeepers, humanitarian workers, and diplomats. The rising tensions between the government and international bodies like the United Nations are a contributing factor to this trend. The Minister of Cabinet Affairs has claimed that several NGOs are spying on the government, causing widespread distrust of these groups. A group of South Sudanese military personnel stormed the Terrain hotel in Juba in 2016 at the height of the violence and sexually raped five international humanitarian workers. Shockingly, the Chinese forces on the scene did nothing to help the injured. In a separate incident from June, military men broke into a World Food Programme warehouse in July and stole enough food to feed 220,000 people for a month, with a total worth of \$30 million. In addition, in July, rocket-propelled grenade fire claimed the lives of two Chinese soldiers. The authorities refused to provide them with medical attention even though a clinic was only 16 kilometers from the bombing scene. Two Norwegian Refugee Council workers were forcibly removed from South Sudan in December 2016. On March 25, 2017, six aid workers fell victim to an ambush—bringing the total number of relief workers killed due to this conflict to at least 79 individuals. This particular ambush was marked as one of the deadliest attacks targeting relief efforts thus far.

Meanwhile, rebel forces also engaged in violent activities during this period. On August 26th, 2014, a Russian Mi-8 freight helicopter serving under United Nations was shot down resulting in three Russian crew members losing their lives and another being injured. Prior to this incident on August 17th rebel commander Peter Gadet had issued threats regarding shooting down United Nations aircraft suspected of transporting government forces (Associated Press).

6.1 Conclusion

The Geneva Convention, a collection of global agreements, plays a vital role in safeguarding the rights of prisoners of war, civilians,

and cultural assets during times of armed conflict. This analysis aimed to explore the various provisions outlined in the Geneva Convention and examine instances where these regulations were either followed or disregarded. To illustrate this, we delved into the Sudanese Conflict as a case study. It's important to remember that conflicts like those in Syria, Yemen, and Myanmar are happening right now, thus the Geneva Convention is still relevant. Therefore, it is the responsibility of the international community to preserve and enforce these principles and to hold those who violate them to account.

Given the continual violations of the Geneva Convention protocol, it is crucial that further study be done on the convention's application and enforcement in current wars. Additionally, raising awareness and providing education about this convention should be prioritized for military personnel and policymakers alike to ensure that its provisions are respected and adhered to in future conflicts. Furthermore, it is crucial to continue advocating for respect towards the convention's principles by utilizing institutions such as the International Criminal Court and other international justice mechanisms when holding violators accountable.

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