

Understanding Crimes against Humanity in South Sudan: Impact, Challenges, and Paths to Justice

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Abstract

This dissertation examines the issue of crimes against humanity in South Sudan, focusing on the socio-political landscape following its secession from Sudan in 2011. It analyzes the ethnic violence, mass atrocities, and human rights violations that intensified during the civil war that erupted in December 2013. Through a qualitative methodology, utilizing secondary sources such as government reports, academic literature, and media outlets, the study explores the underlying factors of the conflict and its humanitarian crisis. The key findings suggest that, despite the 2005 Comprehensive Peace Agreement (CPA) and the country's subsequent independence, South Sudan inherited significant structural weaknesses, including underdeveloped infrastructure, limited human capital, fragile political institutions, and widespread corruption, all of which were exacerbated by ethnic fragmentation. The research also highlights the challenges in addressing crimes against humanity due to the inefficacy and lack of legitimacy of the judicial system in post-conflict peace building efforts. The dissertation further evaluates the impact of international interventions, particularly peacekeeping efforts under United Nations Security Council Resolution 2132, and assesses their role in reducing violence and protecting civilians. Additionally, the research explores the needs of survivors regarding reparations and identifies gaps between international standards and the current state of justice mechanisms in South Sudan. In conclusion, the study emphasizes the need for robust legal frameworks, supported by international efforts, to ensure accountability and justice for victims. The findings offer important insights for policymakers, legal practitioners, and international organizations working on peace building and judicial reform in post-conflict environments. This research contributes to the broader discourse on state-building and transitional justice, providing recommendations for improving mechanisms to address crimes against humanity in South Sudan.

Keywords: Crimes against Humanity, Challenges and Path to Justice

1.0 INTRODUCTION

The division of North and South Sudan in 2011 marked a significant turning point in the history of both countries. The separation ended over two decades of brutal civil conflict, primarily between northern Arabs and southern non-Arabs (Mackenzie, 2012). South Sudan's emergence as an independent state was hailed as the end of a long-standing war and the beginning of a new chapter. However, this

newfound independence came with profound challenges. South Sudan inherited a legacy of underdevelopment, compounded by weak institutions, a fragile political environment, and widespread social and economic instability (Simmons & Kaldor, 2013). The journey towards peace and stability in South Sudan has been marked by numerous obstacles, including internal power struggles, ethnic tensions, and an enduring cycle of violence (Sommers, 2016).

1.1 Background of the Study

The civil war between North and South Sudan, which spanned from 1983 to 2005, caused immense suffering, with massive loss of life, displacement, and destruction (Collins, 2008). The conflict prompted the regional community, through the Inter-Governmental Authority on Development (IGAD), and the international community to intervene in a bid to end the violence. This intervention resulted in the signing of the Comprehensive Peace Agreement (CPA) on January 9, 2005, which laid the groundwork for the eventual secession of South Sudan (Deng, 2011). The agreement focused mainly on resolving the immediate conflict between the North and South, but it overlooked the complex internal divisions within the South itself (Bennett, 2012).

Despite the overwhelming 99% vote in favor of independence through a referendum, South Sudan faced numerous challenges post-independence (Rothchild, 2013). The country inherited a legacy of poor infrastructure, limited human capital, weak governance structures, and high levels of corruption (Bertelsmann Stiftung, 2019). Additionally, ethnic and political divisions, particularly between key leaders such as President Salva Kiir and his deputy Riek Machar, deepened existing tensions (Menkhaus, 2014). These divisions eventually led to the eruption of conflict in December 2013, when Kiir accused Machar of attempting a coup (Jok, 2014). Although ethnicity was not the primary cause of the conflict, both sides exploited ethnic differences to advance political and military objectives, further entrenching the violence (Wright, 2016).

The conflict escalated rapidly, causing widespread atrocities, including genocide, forced displacement, and violence against civilians (United Nations, 2014). Despite efforts from regional and international actors to mediate peace, the conflict persisted for over 20 months, with no resolution in sight (International Crisis Group, 2015). As a result, South Sudan remained one of the most fragile states in the world, consistently ranking among the top five on the Fragile State Index (Fund for Peace, 2019). This ranking is based on 12 key indicators, including security, governance, human rights, and economic conditions, which reflect the immense challenges faced by South Sudan in its pursuit of stability and development.

1.2 Statement of the Problem

Immediately after South Sudan's independence, two critical challenges confronted the new government: its ability to establish sole ownership over the use of violence as an instrument of the state and its claim to legitimacy. Weber's theory of the state emphasizes the importance of a monopoly over force, arguing that the state must maintain exclusive control over the legitimate use of violence (Weber, 1919). This argument has been echoed by other realist scholars such as Waltz (1998), who underscored the state's essential role in exercising control over other actors through its monopoly on force. However, other scholars like Thomson et al. (1989) and Krasner (1999) stress that this authority must not be abused or

misused. When the state's authority over the use of force is challenged, the result can be a cycle of violence that threatens the stability and viability of fragile states, potentially leading to total collapse.

The conflict that erupted in South Sudan in December 2013 was fueled not only by ethnic tensions but also by sharp political divisions between the country's leaders. Both government and opposition actors exploited historical ethnic rivalries to incite armed clashes, triggering widespread violence and ethnic killings throughout the country. The conflict created a dire humanitarian crisis, forcing many aid agencies to withdraw personnel from South Sudan due to the escalating insecurity (Blanchard, 2013). Within the first three months of the conflict, over 50,000 civilians were killed, and approximately 120,000 people were displaced from their homes.

The international community mobilized in response, culminating in the passing of UN Security Council Resolution 2132. This resolution authorized the deployment of peacekeeping troops from other UN missions, such as those in Côte d'Ivoire (UNOCI), the Democratic Republic of Congo (MONUSCO), Darfur (UNAMID), and Liberia (UNMIL), to South Sudan under the United Nations Mission in South Sudan (UNMISS). Resolution 2132 also called for an immediate ceasefire by all parties involved (UN Security Council, December 24, 2013). The resolution highlighted the intense nature of the conflict and underscored the international community's commitment to peacekeeping efforts in South Sudan.

Despite these international efforts, fighting did not cease, as new incidents of violence, accompanied by significant casualties, continued to emerge from various regions of the country. The first notable reduction in violence came in 2015 when a peace agreement was signed after regional mediation by the heads of state of Kenya, Uganda, and the Prime Minister of Ethiopia. This mediation was supported by intense international pressure on both Riek Machar and Salva Kiir, particularly after a UN panel of experts released a report accusing both government and opposition forces of targeting civilians (Al Jazeera, August 27, 2015). However, despite these efforts, the underlying issues of political power struggles and ethnic tensions continued to plague the peace process, leaving South Sudan's future fragile and uncertain.

1.3 Purpose of the study

The purpose of this study was to examine the crimes against humanity in South Sudan.

1.4 Specific objectives

1. To examine the role of the judicial system in tackling crimes against humanity in South Sudan.
2. To explore the narrative of the conflict leading to crimes against humanity in South Sudan.

1.5 Methodology of the Study

This study employed a qualitative research methodology to analyze the challenges of state-building in South Sudan, focusing on crimes against humanity. Secondary data was gathered from government and NGO reports, academic articles, books, and newspaper reports from established print media outlets. The rationale for this approach was to conduct an in-depth analysis of South Sudan's post-independence struggles. Qualitative research was chosen because it allowed for the examination of complex issues that could not be easily quantified, such as political instability and ethnic tensions. According to Marczyk et

al. (2005), qualitative methods enable researchers to explore characteristics and reasons behind perceptions, providing a deeper understanding of the issues at hand. This approach helped to uncover the underlying causes of the violence and the challenges South Sudan faced in building a stable state and exercising legitimate authority. By analyzing these secondary sources, the study provided insights into the political, ethnic, and humanitarian crises in South Sudan and the ways in which these factors hindered the state's ability to establish peace and stability.

1.6 Significance of the Study

South Sudan, as a newly established nation, will be in the process of developing a legal system that has yet to be fully tested or refined. It can be inferred that the government will still be working to meet international standards for justice, particularly in relation to crimes against humanity. This study will contribute significantly to understanding the nature of the justice system that South Sudan will begin to establish, by analyzing it in the context of international and regional frameworks that set standards for addressing such crimes.

This research will critically examine the compatibility of South Sudan's existing legal framework with international and regional legal regimes, particularly those related to the prosecution of offenders of crimes against humanity. Additionally, the study will assess the extent to which international and regional legal instruments will be incorporated into South Sudan's domestic legislation, identifying any gaps that need to be addressed.

The findings of this research will serve as a valuable resource for informing legal reforms, providing practical recommendations for improving the justice system in South Sudan.

2.0 LITERATURE REVIEW

2.1 The role of the judicial system in tackling crimes against humanity in South Sudan

International legal provisions concerning war crimes and crimes against humanity were developed within the framework of international humanitarian law (IHL), a specialized branch of international law. Over the last 50 years, IHL underwent significant growth, evolution, and consolidation (Roberts & Guelff, 2000). However, the rules regarding international crimes and responsibility were not always clear. One of the most complex issues involved the legal nature of international crimes committed by individuals, which were considered serious violations of IHL (Cassese, 2008).

This study focused primarily on two categories of international crimes—war crimes and crimes against humanity—which were directly linked to the core of IHL. The distinction between these two categories, however, was often blurred, especially as contemporary conflicts transcended traditional international boundaries (Higgins, 1995). By the end of the 20th century, the world faced a troubling proliferation of non-international conflicts, where the classification of offenses became ambiguous (Safferling, 2011). These offenses, along with genocide, fell under the broader concept of criminal *juris gentium* (Schabas, 2009). The category of crimes against peace, however, was not extensively discussed in this study, as its scope remained uncertain and closely tied to the principles of *jus ad bellum* (Shaw, 2003).

The subsequent section examined the development of these crimes within the international legal and jurisdictional framework, beginning with early precedents and focusing on the landmark decisions of the

Nuremberg and Tokyo International Military Tribunals (Weiss, 2014). These Tribunals marked the start of significant legal evolution, further refined by the establishment of the ad hoc Tribunals for the former Yugoslavia and Rwanda (Henckaerts & Doswald-Beck, 2009). This evolution culminated in the adoption of the Rome Statute of the International Criminal Court (ICC) (Krieger, 2001).

The conclusion offered general remarks and considered the future evolution of the international legal system, particularly in relation to ongoing trends within the United Nations and its International Law Commission (Bassiouni, 2012).

2.1.1 War Crimes and Crimes against Humanity: Origin and Evolution of a Legal Sphere

The origins of modern legal norms regarding war crimes and crimes against humanity can be traced back to early military codes. In 1386, King Richard II of England issued the *Ordinance for the Government of the Army*, which prohibited acts of violence against women and unarmed priests, the burning of houses, and the desecration of churches, setting early limits on conduct during hostilities. Similar provisions appeared in subsequent military codes, such as those issued by Ferdinand of Hungary in 1526, Emperor Maximilian II in 1570 (humanitarian rules are found in Articles 8 and 9), and King Gustavus II Adolphus of Sweden in 1621. Article 100 of Gustavus's military code stated that no man should "tyrannize over any Churchman, or aged people, men or women, maids or children." These early codes indicated a recognition of certain acts as morally and legally reprehensible during warfare.

The first trial specifically for war crimes occurred in 1474, when Peter von Hagenbach was tried for his brutal governance under the orders of Charles the Bold, Duke of Burgundy. Von Hagenbach, acting as governor of the city of Breisach, introduced a regime of violence, including murder, rape, and illegal taxation, against the local population and neighboring territories. After his defeat and capture, the Archduke of Austria established an ad hoc tribunal to try him. The tribunal, consisting of 28 judges from the allied coalition of Austria, France, Switzerland, and other towns, held that von Hagenbach had committed atrocities that trampled "the laws of God and man." Despite his defense of following superior orders, the tribunal found him guilty and executed him. This trial marked a significant early attempt to hold individuals accountable for violations of laws that were internationally recognized as prohibitions during warfare. While the acts committed by Hagenbach occurred before the formal outbreak of hostilities, they can be seen as early manifestations of what are now classified as crimes against humanity.

During the American Civil War (1861–1865), President Abraham Lincoln's issuance of the Lieber Code (*Instructions for the Government of Armies of the United States in the Field, General Orders No. 100*, 1863) represented a landmark in codifying laws governing armed conflict. The Lieber Code set forth punishable offenses such as wanton violence against civilians, property destruction, and rape, thus laying early groundwork for what would later be classified as war crimes (Lieber, 1863). It also specified that crimes like arson, murder, and robbery committed by soldiers against civilians in enemy territory were to be treated as if committed within the soldier's own country, emphasizing the legal accountability of individuals during wartime. Though primarily intended for American forces, the Lieber Code influenced military regulations globally.

Following World War I, the *Treaty of Versailles* (1919) established legal precedents for punishing violations of the laws and customs of war. Articles 228 and 229 granted the Allied Powers the right to try and punish individuals accused of such violations. Article 228 mandated the German government to hand over accused individuals to Allied military tribunals. Article 227 specifically implicated Kaiser Wilhelm II for a "supreme offense against international morality" and called for the establishment of a special tribunal to prosecute him. While the Kaiser's surrender failed, this set the stage for the later development of the concept of crimes against peace, which would come to the forefront after World War II.

The Hague Conventions (1899 and 1907) and the Geneva Convention of 1929 related to the treatment of prisoners of war provided important legal frameworks, though they lacked provisions for the punishment of individuals violating their terms. The 1929 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field contained limited provisions on violations. These early conventions would later be referenced in the *Nuremberg Trials*, which cemented the international legal foundation for prosecuting individuals for war crimes and crimes against humanity.

2.1.2 Nuremberg and Tokyo International Tribunals

After World War II, the international community began to recognize the urgent need to prosecute serious violations of the laws of war, addressing both the traditional responsibility of states and the individual accountability of perpetrators. The horrific crimes committed by the Nazis and the Japanese prompted the Allied Powers to quickly reach an agreement, resulting in the establishment of the Nuremberg and Tokyo International Military Tribunals. These tribunals were created to prosecute war criminals whose offenses did not have a specific geographical location, whether they were accused individually or as members of organizations or groups (United Nations, 1945). The tribunals also introduced the new categories of crimes against humanity and crimes against peace.

The Charter of the Nuremberg International Military Tribunal (1945) provided the legal foundation for prosecuting individuals accused of the following crimes:

Crimes against Peace: This encompassed the planning, preparation, initiation, or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances. It also included participation in a conspiracy to commit any of these acts (United Nations, 1945).

War Crimes: These included violations of the laws and customs of war, such as murder, ill-treatment, or the deportation of civilians in occupied territories for forced labor, the killing of prisoners of war, the plundering of public or private property, and the wanton destruction of cities, towns, or villages without military justification (United Nations, 1945).

Crimes against Humanity: This involved inhumane acts such as murder, extermination, enslavement, and deportation committed against civilians, whether before or during the war, or persecutions on political, racial, or religious grounds. These acts were crimes even if they did not violate the domestic laws of the country where they occurred (United Nations, 1945).

Regarding jurisdiction *ratione personae*, the tribunals held that responsibility extended to "leaders, organizers, instigators, and accomplices" involved in the formulation or execution of a common plan or conspiracy to commit these crimes. All individuals participating in such plans were considered responsible for any acts carried out by others in the execution of that plan (United Nations, 1945). These tribunals marked a crucial moment in the development of international criminal law, setting legal precedents for individual responsibility for crimes that had global consequences.

2.1.3 International Legal Heritage after the Nuremberg and Tokyo Trials

The Nuremberg trials, and to a lesser extent the Tokyo trials, played a significant role in shaping case law regarding individual criminal responsibility under international law. These trials marked the beginning of a gradual process of codifying international criminal law. Both states and international organizations, particularly the United Nations (UN) and the International Committee of the Red Cross (ICRC), took steps to solidify legal principles through treaties and codification efforts.

On December 11, 1946, the UN General Assembly adopted Resolution 95(1), affirming the principles of international law recognized by the Nuremberg Tribunal. This resolution highlighted two key steps: First, it confirmed that the Nuremberg Tribunal had recognized existing principles of international law, which it had simply applied. Second, it called for the codification of these principles by the International Law Commission (ILC), a body established by the UN. Through this resolution, the General Assembly recognized that these principles had become part of customary international law and should be included in a broader legal framework, possibly an international criminal code (United Nations, 1946).

In 1950, the ILC released a report on the "Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal." The ILC did not question whether these principles were part of positive international law, as the General Assembly had already affirmed this. Instead, the ILC focused on defining these principles.

Some of the major principles outlined in the ILC report include:

Individual Responsibility: Principle I established that any person who commits an act constituting a crime under international law is responsible for that act and liable to punishment, even if the act is not considered a crime under domestic law (Principle II).

No Immunity for Heads of State or Government Officials: Principles III and IV stated that individuals acting as heads of state or government officials, or those following superior orders, remain responsible for their actions. However, Principle IV introduced the concept that an individual might not be relieved of responsibility if a "moral choice" was possible (as per the Nuremberg Tribunal's Article 8).

Codification of War Crimes, Crimes Against Peace, and Crimes Against Humanity: Principle VI of the ILC report codified the crimes outlined in Article 6 of the Nuremberg Charter, which included crimes against peace, war crimes, and crimes against humanity.

The adoption of these principles was crucial in developing international criminal law, paving the way for the creation of legal instruments that hold individuals accountable for their actions, even in the context of international conflicts.

One of the key milestones in this process was the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on December 9, 1948, by 56 votes in favor and none against. This treaty, which entered into force on January 12, 1951, criminalized genocide, whether committed in times of war or peace. Article 2 of the Convention defined genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including killings, causing serious bodily harm, and preventing births. Article 4 established that both public officials and private individuals could be held accountable for committing or participating in genocide, extending individual liability beyond state responsibility (United Nations, 1948).

The Genocide Convention also reinforced the concept of crimes against humanity, which had been introduced by the Nuremberg Tribunal, and further emphasized the role of individuals in international criminal law. This treaty marked a significant step in codifying crimes under international law, as well as in broadening the scope of accountability to include non-state actors.

In addition, the four Geneva Conventions of 1949, adopted in the wake of World War II, reshaped international humanitarian law. These Conventions introduced new provisions to protect war victims, and each Conventions detailed specific grave breaches of the law, such as willful killing, torture, and inhumane treatment. These breaches are considered crimes under international law, and the Conventions impose a duty on states to ensure respect for their rules in all circumstances (International Committee of the Red Cross, 1949).

Furthermore, the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict added another layer to international law, calling for the protection of cultural heritage and criminalizing acts that damage cultural property during armed conflicts. Similarly, the 1977 Additional Protocols to the Geneva Conventions further strengthened the protection of individuals and expanded the list of grave breaches, solidifying the foundations of modern international humanitarian law (The Hague, 1954).

The evolving body of international law following the Nuremberg and Tokyo Tribunals illustrates a broadening scope of individual accountability for serious crimes, the continued development of treaties that codify international offenses, and the increasing influence of international courts in enforcing human rights and international humanitarian law.

2.1.4 Evolution in the 1990s: From the Ad Hoc Tribunals to the International Criminal Court

In the 1990s, the establishment of the ad hoc tribunals for the prosecution of crimes committed in the former Yugoslavia (ICTY) and Rwanda (ICTR) marked significant progress in the development of international criminal law. These tribunals represented an essential step toward creating permanent international jurisdiction for prosecuting serious crimes. They helped clarify the evolving international

criminal code as envisioned by the UN General Assembly in its Resolution 95 (I) (UN General Assembly, 1946).

The Security Council's resolutions on the creation of these tribunals outlined acts punishable under international law. In particular, Articles 2, 3, 4, and 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) defined the various crimes within its jurisdiction (ICTY Statute, 1993).

Article 2: Addresses grave breaches of the 1949 Geneva Conventions, granting the Tribunal the power to prosecute individuals "committing or ordering to commit" such breaches.

Article 3: Expands the scope to include violations of the laws and customs of war.

Article 4: Reflects Articles 2 and 3 of the 1948 Genocide Convention.

Article 5: Empowers the Tribunal to prosecute crimes committed against civilians in both international and internal armed conflicts.

The principle of individual criminal responsibility is broadly outlined in Article 7, which includes persons who "planned, instigated, ordered, committed, or otherwise aided and abetted" in the commission of crimes. This aligns with principles established by the Nuremberg Trials and the 1950 International Law Commission (ILC) report (Principles III and IV). Article 7 also addresses the responsibility of individuals in positions of authority, including heads of state, and considers the effects of superior orders. It allows for mitigation if deemed just by the Tribunal, echoing similar provisions in the Nuremberg Charter (Nuremberg Trials, 1945). Although the Statute of the ICTR is somewhat distinct, its overall approach to criminal responsibility is aligned with that of the ICTY. These legal principles, developed through the ad hoc tribunals, were ultimately codified into a unified instrument—the Rome Statute of the International Criminal Court (ICC), adopted on 17 July 1998 (Rome Statute, 1998). This Statute consolidates the principles of international criminal law, marking a milestone in the institutionalization of permanent international justice.

Key Provisions of the Rome Statute

The Rome Statute, especially Articles 5 to 8, delineates the crimes under the ICC's jurisdiction, categorizing them as "the most serious crimes of international concern." These crimes include genocide, crimes against humanity, war crimes, and crimes of aggression. While the status of the crime of aggression remains debated, particularly regarding its classification as a "crime against peace," the Rome Statute builds on the foundation laid by the Nuremberg Charter and earlier legal instruments (Nuremberg Trials, 1945).

Article 6: Defines genocide in terms that closely reflect the 1948 Genocide Convention, further consolidating accepted principles of international criminal law (Genocide Convention, 1948).

Article 7: Provides a comprehensive definition of crimes against humanity, characterized by acts committed as part of a widespread or systematic attack against a civilian population. This category

transcends the distinction between international or internal conflicts, emphasizing that such crimes are a violation of humanity as a whole.

The concept of humanity as a victim is central to understanding crimes against humanity. This perspective was reinforced in the ICTY's decision in the Erdemovk case, which described such crimes as acts that strike at the essential aspects of human life, liberty, and dignity. These acts, due to their scale and severity, demand punishment from the international community (ICTY, 1999).

Additionally, crimes against humanity reflect a broader principle of humanity itself, drawing parallels to the Martens Clause in the Hague Convention No. IV (1907), which stresses the application of the "laws of humanity" and the dictates of public conscience in times of conflict (Hague Convention IV, 1907). This idea was reaffirmed in Article 1 of Additional Protocol 13 (1977), which emphasizes the importance of human dignity and the protection of civilians under international law (Additional Protocol I, 1977).

In conclusion therefore, the concepts of war crimes, crimes against humanity, and genocide have evolved significantly since World War II, with the development of treaties, new jurisdictions, and clarifications through legal provisions and judicial decisions. Initially, war crimes were rooted in customary international law, and crimes against humanity were closely linked to war crimes. Over time, crimes against humanity became an autonomous category, as evidenced by the Nuremberg Trials and later judicial rulings, such as the ICTY's *Tadic* case. Instruments like the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity reinforced this development, establishing that these crimes are punishable under international law, irrespective of national law. The Draft Code of Offenses against the Peace and Security of Mankind further strengthened the concept of individual criminal responsibility, marking a significant step in the evolution of international criminal law.

2.2 Narrative of the conflict leading to crimes against humanity in South Sudan

The conflict in South Sudan, which erupted in December 2013, is rooted in deep-seated political struggles and ethnic divisions, compounded by the failure of governance structures. According to de Waal (2014), the civil war began as a power struggle between President Salva Kiir and his former deputy, Riek Machar, which quickly escalated into violence between their respective ethnic groups, primarily the Dinka and Nuer. This power rivalry was manipulated by ethnic elites, further intensifying long-standing tensions and leading to widespread atrocities against civilian populations (Johnson, 2016). This narrative underscores the conflict as not only political but also ethnically driven, with both sides targeting civilians based on their ethnicity and perceived loyalty to opposing factions, setting the stage for widespread violations of international humanitarian law.

As the violence unfolded, the systematic nature of the attacks—especially the targeting of specific ethnic groups—prompted many scholars and international organizations to classify the events as crimes against humanity. The United Nations Commission on Human Rights in South Sudan (2016) reported widespread and systematic violations, including extrajudicial killings, sexual violence, and forced displacement. Both government and opposition forces were implicated in these crimes, which were not

limited to the battlefield but extended to civilian areas, where atrocities such as mass killings, abductions, and the recruitment of child soldiers were widespread. According to the International Criminal Court (ICC) (2019), these acts fit the legal definitions of crimes against humanity under the Rome Statute, including murder, enslavement, deportation, and other inhumane acts. The international community, however, has struggled to hold perpetrators accountable due to the political complexities surrounding the South Sudanese government's cooperation with international investigations (Human Rights Watch, 2016).

External factors have further exacerbated the violence. Numerous studies highlight the involvement of militias and neighboring states, which have provided arms and logistical support to warring factions, thereby intensifying the scope and scale of the atrocities. Flint and de Waal (2018) emphasize the role of external factors such as Uganda and Sudan, whose interventions not only sustained the conflict but also facilitated the commission of war crimes and crimes against humanity. The externalization of the conflict, with both regional and international actors fueling violence, further complicates the path to peace and accountability.

Despite the overwhelming evidence of crimes committed, efforts to establish accountability have faced significant obstacles. Various transitional justice mechanisms were proposed in peace agreements, such as the creation of a hybrid court system, but their implementation has been severely delayed or undermined. Parker (2017) argues that the lack of political will from the South Sudanese government to prosecute high-ranking officials for their roles in crimes against humanity has perpetuated a climate of impunity. This reluctance, coupled with the international community's failure to exert sufficient pressure, has hindered efforts to deliver justice to the victims and ensure long-term peace.

In conclusion, the conflict in South Sudan is marked by complex political and ethnic dynamics, external interventions, and a failure of both national and international systems to hold perpetrators accountable. The widespread and systematic nature of the crimes committed, including murder, sexual violence, and the recruitment of child soldiers, meets the criteria for crimes against humanity under international law. However, the path to justice remains fraught with challenges, as both national political elites and international actors have failed to address the root causes of the violence and the need for accountability.

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