

University College Maastricht

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Atrocity triangle:

A course on the criminology of gross human rights violations

Code: SSC 3032

Course book

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Important

Students are required to prepare the first tutorial meeting. Please see pp. 13 -17 for the task, learning goals and literature.

General course objectives

The general goal of this multi-disciplinary course is to come to a better understanding of the causes of international crimes and other gross human rights violations (GHRV) around the world. To this end, the course aims to achieve the following:

- To gain an understanding of how to approach the criminological study of complex cases of violence and to be able to analyze such cases independently;
- To gain a criminological understanding of gross human rights violations and other international crimes by examining their causes on individual (micro), institutional (meso), national and international (macro) levels using an approach that integrates relevant insights from different academic disciplines;
- Moreover, to view the world through the eyes of the perpetrators as well as the victims and the bystanders by focusing on their roles in the occurrence of gross human rights violations;

In order to address these elements the course will draw on various disciplines such as political science, international relations, history, sociology, psychology, social-psychology, criminology and law. In order to lay bare the structures, mechanisms and elements that influence the perpetration of gross human rights violations, we will approach the subject matter from different levels of analysis (micro, meso, and macro level). We furthermore take a process orientated approach which studies the perpetration of these crimes as the outcome of a complex interactional process. Note that because of the vast complexity of the crimes and the huge amount of scholarly work available it is impossible to discuss all the explanatory theories within the scope of the 11 tutorial meetings and 3 lectures that we have during the course. Therefore a limited number of perspectives will be explored throughout the course.

After the course, students should be knowledgeable on various theoretical perspectives and accompanying concepts relevant for understanding international crimes and other gross human rights violations. These perspectives should enable them to explain and critically reflect on past and contemporary real life situations of international crimes and other gross human rights violations.

Description of the course

Part I: Introduction

The first part of the course consists of a lecture. The lecture aims to introduce and illustrate the subject matter that is central to the course and therefore the lecture will start with a screening of an excerpt of the documentary 'Taxi to the dark side'. It will furthermore introduce the leading concepts and theoretical frameworks that have structured the course. The lecture therefore firstly addresses the concept of the 'atrocity triangle' and it looks into the relationship between the three actors (the perpetrator, the victim, and the bystander) involved in the triangle. Subsequently, an integrated criminological model will be introduced which sets out the relevant explanatory elements that will be addressed in greater detail in the second and third part of the course. Also several process models are introduced that help to make insightful the complex dynamics of the phenomena under study. We will continue this exploration during the first tutorial meeting which addresses the process of political violence. Central points of discussion will be how demobilization of dissidents occurs, the interaction between actors involved, the question when in the process the violence starts and the danger of escalation once a regime uses political violence.

Part II: Perpetrators

In the second part of the course, we will focus on the perpetrators. Who are they, what kind of people are they and why do they commit their crimes? During this part of the course we will furthermore discuss and debate the thesis that perpetrators are merely ordinary people who commit their crimes because they are ordered to do so. The second part of the course will start with the forms, functions and effects of (political) violence and the concept of torture in particular. The analysis continues on the macro level and approaches gross human rights violations as crimes of obedience and we pay attention to the role of government policy and dehumanizing ideology. Subsequently, the analysis focusses on the meso level and

the role of bureaucratic, institutional and social structures in the perpetration is addressed. To this end the discussion will address several compulsive and determinative features of the environment surrounding perpetrators of gross human rights violations. We will furthermore address several experiments (Milgram, Asch, Stanford, etc.) on obedience, institutional roles and conformity and we will extensively discuss the results and significance of these experiments in class. Because words and speech play an important role in the perpetration of the crimes, we will also look at the role that language and discourse plays in violent conflict. The second part of the course ends with an investigation into how people are trained to become perpetrators. An understanding of the training process requires us to integrate much of the knowledge gained so far during the course, which is a challenging but insightful exercise. Central themes in our discussions will be the selection process, the techniques used during the training and the impact and effects of this training method on the recruits. Furthermore, we will discuss why it is so difficult to hold on to your own moral values within an oppressive and powerful environment. Students will make a comparison between ordinary military training and the training techniques used to create torturers. We will watch the video 'Your neighbour's son' on the training and education of torturers in Greece during the Colonels' regime (1967-1974). We will have our final debate on whether the perpetrators are merely ordinary people by focusing on the transformation process an ordinary person goes through in order to become a perpetrator of GHRV.

Part III: Bystanders

The third part of the course will focus on the bystander. Who is this actor? Individual, state, or international organization? What is the role of this actors? Can the actor prevent, halt or terminate GHRV from occurring? And if so, how can the actor prevent or stop GHRV from occurring? In the literature bystanders are sometimes characterized as neutral onlookers; people, groups and states that are not involved. But can they remain truly neutral and uninvolved? In this session we will discuss the influence of their passivity and their true role and responsibility as onlookers of the evil going on around them. We will start the discussion on the role of the bystander by looking into the phenomenon of the 'bystander effect' in order to address the question why bystanders fail to act. Secondly, the role of bystanders in international politics at the macro-level of both states and international organizations in the field of human rights will be discussed. States and organizations often claim that "they did

not know” or that “they could not intervene”. We will investigate whether these rationalizations of inaction are actually correct and justified. We will give special attention to the role of the UN Security Council when it was confronted with gross human rights violations. We will further explore the possibilities of international intervention in the past and now.

We will focus on the lessons learned from Rwanda, Srebrenica, Darfur and other failures, and we will debate whether finding truly effective ways of preventing genocide are possible. We will investigate the role of third-party states and will give special attention to the role of international organisations in putting forward the following questions: What can the UN Security Council for instance do if confronted with gross human rights violations? Can and should such violations be considered as a threat to international peace? What can and should the so-called international community do? How can it react? What factors inhibit a truly effective preventive policy? Is there a lack of means or a lack of political will? We will specifically explore the possibilities of international intervention and economic sanctions in the field of human rights. What are the different justifications for international intervention? What kind of intervention will be more effective? When and how can economic sanctions work? During the session we will use various examples of both international interventions and economic sanctions which have or haven't been applied in cases of gross human rights violations and will discuss the various effects of these sanctions. Lastly, in addition to perpetrators and bystanders (collaborators), certain actors in the same situations did not perpetrate or passively stood by, instead they took affirmative action and came to the help of those in need. We will therefore look more closely into the phenomenon of rescuing in order to find out what turns actors into rescuers. This part of the course will also feature a guest lecture.

Part IV: Victims

The fourth and last part of the course will take a more victimological perspective, which focuses on the position of the victim. Who are the victims and why are they victimized? What is the relationship between these victims and their perpetrators and what are the consequences of this relationship? In this context specific attention will be paid to gender selective violence. More particularly, the phenomena of sexual violence as a ‘weapon of war’

and gendercide (gender selective mass killings) will be discussed. Also, we will reflect on the aftermath of violent conflict in order to analyse what the effects of such episodes are for victims. Their specific needs have implications for how to achieve justice. This part of the course will also feature a guest lecture.

Lectures

Several lectures will be held during this course. These lectures will be used to more vividly introduce the subject matter through the use of documentaries. These will also be analysed during the post-discussion. We hope that, through these documentaries, the subject matter of this course will become more accessible and less abstract. The documentaries also serve to stimulate the discussion. The lectures furthermore aim to illustrate the discussed materials and to provide the participants with a deeper understanding of the subject matter by presenting the linkage between theory and (research) practice. Some of the lectures will feature guest speakers.

Case studies

Case studies play an important role throughout the course and we will therefore pay attention to a wide variety of cases including The Holocaust and other cases of genocide (Armenia, Australia, Cambodia, Rwanda, Srebrenica, Darfur, etc.). Although cases of genocide will play an important role in this course, the caseload is certainly not limited to genocide and other violent conflicts will be addressed as well. Here one could think of the following cases, Chile, Argentina, Guatemala, Sierra Leone, Indonesia, East Timor, Iraq, Syria, Congo, Central African Republic, etc. Not to forget the torture practices of the U.S. and North Korea. The tasks that we will deal with during the tutorials will always be preceded by case illustrations in order to introduce the subject matter of the respective tutorial and to stimulate discussion.

Policy implications

*The insights gathered throughout this course have policy implications and inform us how we could react to gross human rights violations once they have occurred. These policy implications are addressed in greater detail during another UCM course titled **The***

aftermath of atrocity: A course on transitional justice and post-conflict reconstruction (SSC 3052) which will be taught during the spring semester in period 5.

Literature

The literature for the course will be made available and accessible through deep-links in the course book or references to e-books that are available in the library. This way you can directly access most of the required readings when on the Maastricht University network. A limited number of articles will be made available to students on student portal/eleum. These texts can be found in the 'content' area under 'additional materials for sessions'. In terms of workload, students are required to read three texts from the list of literature that accompanies each tutorial meeting. Although the literature is quite varied, we will make more structural use of the hand book written by Smeulers and Grünfeld: International crimes and other gross human rights violations: A multi- and interdisciplinary textbook. (International and comparative criminal law series; Vol. 32). Leiden | Boston: Martinus Nijhoff, 2011. This book is available as an e-book in the library.

Note that multiple copies of the following books are available in the library for this course:

- Alette Smeulers & Roelof Haveman [eds.], Supranational Criminology: Towards a Criminology of International Crimes, Intersentia, Antwerp, 2008.
- Fred Grünfeld & Anke Huijboom, The Failure to Prevent Genocide in Rwanda: The Role of Bystanders, Transnational Publishers, Brill, Leiden, 2007.
- Adam Jones, Genocide, A Comprehensive Introduction, Routledge, London – New York, 2010.
- Ineke Boerefijn, Laura Henderson, Ronald Janse, Robert Weaver [eds.], Human Rights and Conflict, Essays in Honour of Bas de Gaay Fortman, Cambridge-Antwerp-Portland, Intersentia, 2012 (ISBN 978-1-78068-054-5).

An extensive bibliography on mass violence can be found at the supranational criminology website: www.supranationalcriminology.org

Attendance

The minimum attendance requirement is 85%. In this course we will have 3 lectures and 11 tutorial meetings, all are compulsory i.e. you are not allowed according to UCM rules to miss more than 2 meetings so the attendance requirement is 12 out of 14 meetings. Students who have not met the attendance requirement, but who have not missed more than 30% of the course (thus attended at least 12 meetings), will be given a provisional overall grade, but will not receive credits for the course until they have successfully completed the additional assignment per session that they missed. To qualify for an additional assignment a student may not have missed more than 30% of the group meetings and must submit a completed request form 'additional assignment because of insufficient attendance' to the Office of Student Affairs, within 10 working days after completion of the course. If a student misses more than 30% of the meetings, s/he automatically fails the course.

Please Note:

- Both the lectures and tutorials count in the number of compulsory meetings.
- Students already need to be prepared for the first tutorial!

Course Program

Please note that changes to the course program might occur at a later point in time when the course planning is finalized. These changes will be announced through the student portal.

Part I: Introduction.

Week 1

Lecture 1: Taxi to the dark side.

Tutorial 1: Political violence.

Tutorial 2: Torture

Part II: Perpetrators.

Week 2

Tutorial 3: Crimes of obedience.

Tutorial 4: Organizational and institutional dynamics

Week 3

Lecture 2: My neighbor's son

Tutorial 5: Training

Tutorial 6: Language (+ hand out mid-term take home exam)

Part III: Bystanders.

Week 4

Tutorial 7: Bystanders

Week 5

Tutorial 8: Prevention and intervention

Tutorial 9: Rescuers

Part IV: Victims

Week 6

Lecture 3: Weapons of war

Tutorial 10: Gender based violence

Tutorial 11: The aftermath (+ hand out end-term paper assignment).

Student requirements and evaluation

Students have to be present and well prepared for all sessions. The course will start on October the 30th of October 2017 and students are expected to read the listed materials for the first lecture and tutorial in advance of that session. It is furthermore absolutely essential that students participate actively in the group discussions.

The course will be evaluated by *two take home assessments* consisting of one mid-term and one final assessment. The midterm assessment entails an exam which covers the first half of the course (3000 words). The end-term assessment consists of a paper assignment concerning a topic that was addressed during the second half of the course (3500 words). Students will be marked on their acquired knowledge of the causes of GHRV, i.e. the core contents of the course and their ability to explain and apply this knowledge by showing their ability to build

up a persuasive, coherent and logical line of analysis and argumentation. Note that students will have to perform additional research for the exams. Both exams will count towards 45% of the final grade. The remaining 10% will be determined by *participation*, for which you will also receive a grade. This participation grade will be based on the overall performance during the tutorials and includes the following aspects: preparation of the course material, doing tasks/assignments, taking roles (like discussion leadership, note taking, etc.), attitude and participation during the pre- and post-discussions (presenting insights concerning the literature, joining discussions, contribution to understanding subject matter, etc.). This grade is calculated for the meetings that a student is present. Note, however, that participation is awarded not mere attendance. Also contributions that are not related to the course literature are not appreciated. We want to know what you learned in this course, not what you learned in other courses.

Resits

Any resits for failure of either the mid-term exam or the final exam (or both) will be administered according to UCM rules. In the past this has meant that students contact the course coordinator in order to schedule the resit and to discuss its format.

Course coordinator and tutors

Roland Moerland, Department of Criminal Law and Criminology, Faculty of Law, Bouillonstraat 1-3, Room D 1.223, Tel: 043 388 3274, E-mail: roland.moerland@maastrichtuniversity.nl

Natasja Reslow, Department of International and European Law, Faculty of Law, Tongersestraat 6, Room 3.003, Tel: 043 388 4834, E-mail: n.reslow@maastrichtuniversity.nl

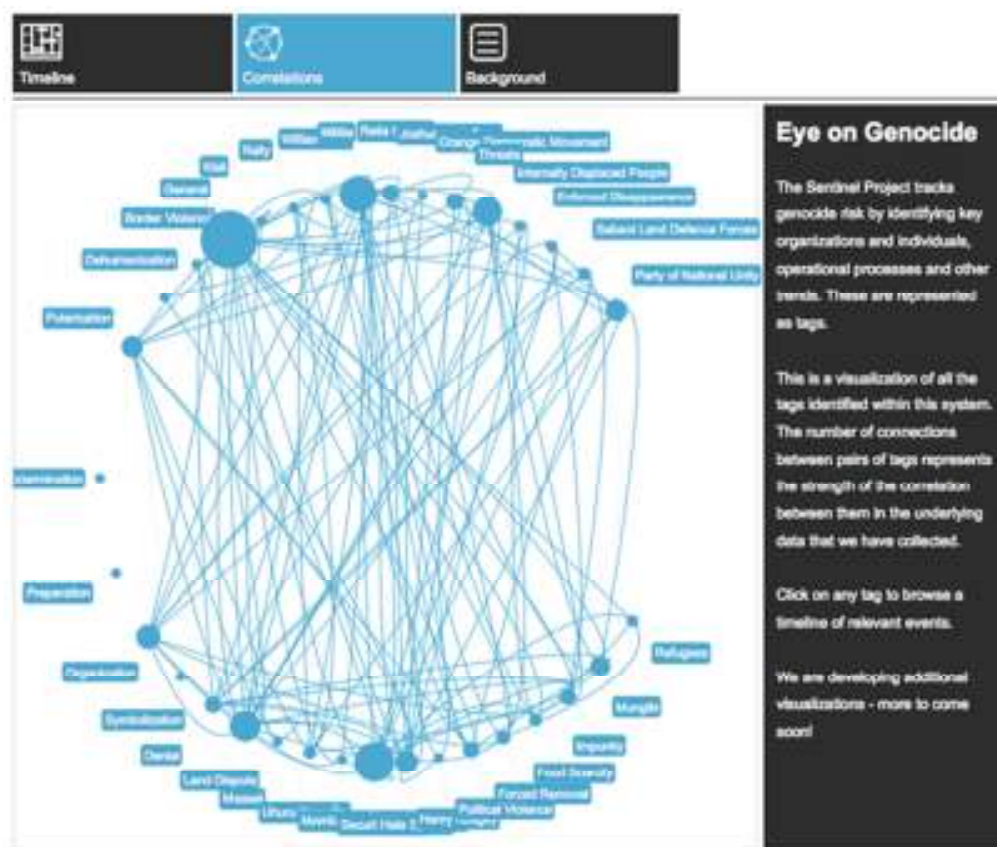
Claire Boost, Department of Criminal Law and Criminology, Faculty of Law.

Part I: Introduction

Week 1

Lecture 1: Studying the dark side...

The lecture aims to introduce and illustrate the subject matter that is central to the course and therefore the lecture will start with a screening of an excerpt of the documentary 'Taxi to the dark side'. The second part of the lecture addresses the scholarly work that has informed the approach taken in this course with regard to how we study international crimes. The approach followed in the course is holistic and it combines insights from a variety of scholarly researches in order to understand and explain how and why such gross human rights violations occur. During the lecture we will more particularly pay attention to Cohen's work on the so called atrocity triangle which focuses on the various actors involved in the crimes and Rothe's and Huggin's work on the main etiological criminological elements and their levels of analysis. Lastly the lecture will address the process models of leading scholars such as Stanton, Staub and Woolf concerning how genocide and other gross human rights violations originate and develop.



Part II: Perpetrators

Note that students need to prepare the first tutorial meeting!

Tutorial 1: Political violence

Task

The violence that we study during this course is generally also referred to by scholars as political or repressive violence. Such violence tries to achieve particular ends and it takes many forms that are utilized throughout a complex process which often ends with repression.

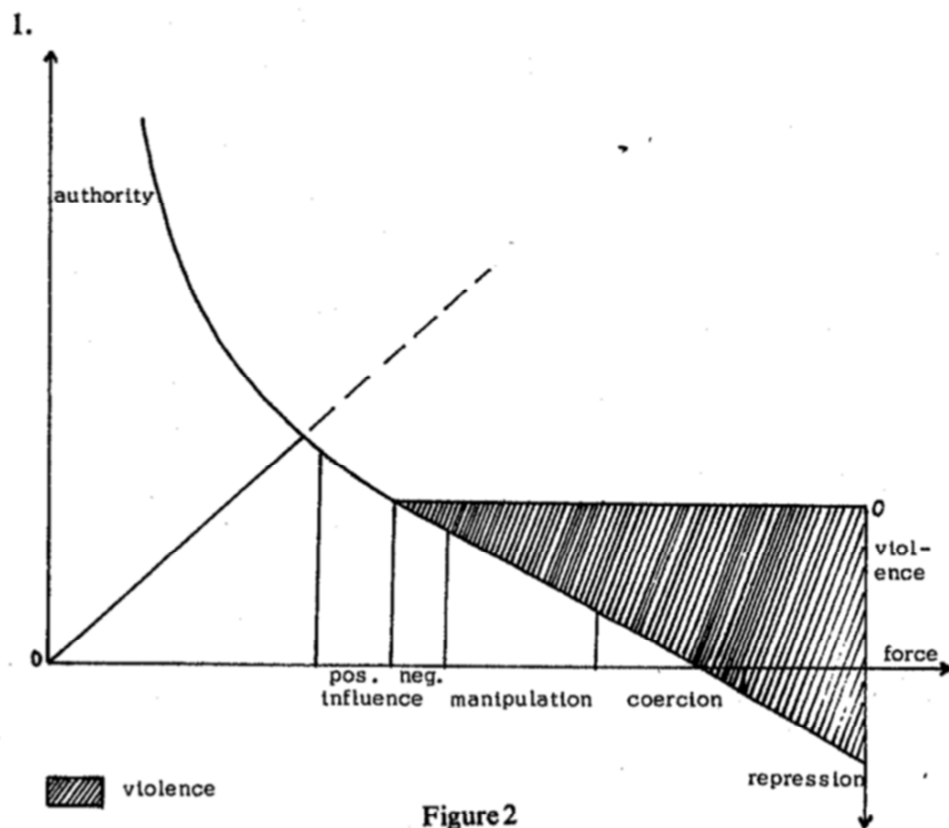


Figure 2

Although torture, political executions, disappearances and other forms of political violence do indeed sometimes occur as consequences of individual excesses by certain people, far more often they occur as a deliberate and systematic policy. Actors (scholars, politicians, etc.) and institutions (UN, courts, etc.) use a variety of terms to describe such violent events. Some refer to it as 'political crime' while others refer to it as 'gross' or 'serious human rights

violations'. The use of such definitions is based on certain assumptions and their application has implications.

Learning goals

1. How would you define 'political crime' and 'serious human rights violations'?
2. How would you define political violence and can you explain the graph shown above?
3. Once GHRV are used, there is the imminent danger that the state will use these violations more and more often and that the escalation process advances to a stage which cannot be halted. Why is there the danger that the process of repression might escalate?
4. States engage in a variety of actions to inhibit dissent. Through which types of actions is repression exerted by states and how and why do these state actions have their effect?
5. Repression cannot be reduced to an act but entails a more elaborate process. This process is a complex interactional phenomenon in which actors act upon each other's actions. How does interaction shape this process of repression?

Case illustration

Burundi: Fears mount amid escalating political violence and government crackdown

"Burundi's ruling party is perpetrating a relentless campaign of intimidation against government critics and its youth wing is carrying out crimes with impunity ahead of next year's election, warns Amnesty International in a report published today. 'Locked down: A shrinking of political space' explores a crackdown on freedom of expression, association and peaceful assembly and a sharp increase in politicized violence in Burundi linked to the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) party. "The government's clampdown on free expression and peaceful assembly has serious implications for human rights ahead of next year's elections," said Tom Gibson, Amnesty International's Burundi researcher. Political tensions in Burundi have run high as President Nkurunziza looks to be pushing for a third presidential term, perceived by many as in violation of Burundi's Constitution. Opposition groups and civil society have been arbitrarily denied permission by the authorities to meet publicly or hold demonstrations through the use of the Law on Public Gatherings. A Press Law and draft law on non-profit

organizations pose a further threat to free expression and peaceful assembly. The youth wing of the CNDD-FDD, the Imbonerakure, have been responsible for intimidation, harassment and violence, attacking and even killing members of the political opposition with impunity. The report shows how one opposition member was shot and killed by two soldiers on the orders of a local official and an Imbonerakure member. Another opposition member had his teeth knocked out during a beating.” (Source: Amnesty International, 29 July 2014)

Chinese artist Ai Weiwei arrested in ongoing government crackdown

‘BEIJING — Ai Weiwei, one of China’s most prominent artists and an outspoken critic of the communist regime, was taken from Beijing’s airport by security agents Sunday as he was about to board a flight to Hong Kong. Police later raided his studio. Ai is the most high-profile activist to have been detained in a government crackdown in which dozens of bloggers, human rights



lawyers and writers have been swept up. The arrests seem related to the government’s concern that activists in China want to launch a “jasmine revolution” similar to the popular uprisings roiling autocratic governments in the Middle East and North Africa. Some of those detained have been accused of “inciting subversion of state power,” a catch-all term used to jail anyone critical of Communist Party rule. Liu Xiaobo, the 2010 Nobel Peace Prize winner, faced the same charge and received an 11-year prison sentence. Since mid-February, when anonymous calls for “jasmine rallies” in China began circulating on the Internet, 26 people have been arrested, 30 have disappeared and are presumed held by security forces, and 200 have been placed under “soft detention,” meaning their movements are restricted, according to a count by the group Chinese Human Rights Defenders on Thursday. But the arrest of Ai and the others appeared to mark what human rights groups and others called a new and more sinister phase in China’s ongoing, and typically cyclical, repression of dissidents. In the past, such sweeps of activists have preceded major events on the calendar — the 2008 Olympics,

major Communist Party meetings or the Nobel Prize ceremony in Oslo last December — and have receded once the event ended.’ (Source: Washington Post, April 3 2011)

Literature

- Parmentier, Stephan, and Elmar GM Weitekamp. "Political Crimes and Serious Violations of Human Rights." Crime and human rights. Emerald Group Publishing Limited, 2007. Pp. 109-121. In *Crime and Human Rights*, Sociology of Crime, Law and Deviance, Volume 9, by Elsevier Ltd. Available as e-book in the library
- Hoefnagels, M. Political violence and peace research. In: Repression and repressive violence, Swets & Zeitlinger, Amsterdam, pp. 29-39. Text is available on Eleum.
- JULES BOYKOFF (2007) Limiting Dissent: The Mechanisms of State Repression in the USA, Social Movement Studies: Journal of Social, Cultural and Political Protest, 6:3, 281-310. Available at: <http://dx.doi.org/10.1080/14742830701666988>
- Sabine C. Carey (2006) The Dynamic Relationship Between Protest and Repression, Political Research Quarterly March 2006 vol. 59 no. 1, pp. 1-11. Available at: <http://dx.doi.org/10.1177/106591290605900101>



Tutorial 2: Torture

Task

The right to be free from torture is one of the most fundamental human rights in international law since the second half of the 20th century. Until the end of the 18th century torture however was a legal and legitimate method in criminal justice in Western Europe. During that period, torture was considered a legitimate and useful method to discover the truth in relation to crimes. At the end of the eighteenth century torture was abandoned as a legitimate legal tool. However it did not take long for torture to re-emerge: this time as a political tool and even today, despite the fact that it is universally condemned, torture is still used by many states. The discussion on why torture happens in contemporary cases is, however, often simplistic and mimics the mediaeval rationale of obtaining information to get to the truth. It is also often presented as being the result of the sadistic impulses of certain evil individuals, instead of presenting it as a deliberate and systematic effort serving political goals. In such discussions the other functions of torture and their effectiveness are often overlooked. Recently two reports (the U.N. Kirby report on North Korea and the Senate Feinstein report on the United States) have been released that reveal a much more complex picture of the various forms, functions and effects of torture. Such studies raise the question whether the rationales generally given for torture – sadism and the retrieval of information – are really explanations for why such practices are perpetrated by both totalitarian and democratic states.

Case illustration

Exposure; The woman behind the camera at Abu Ghraib

“Smells,” Davis said. “Put them in a cell where the toilet is blocked—backed up. It smells like urine and crap. That would drive you nuts.” And you could keep shifting a prisoner’s mealtimes, or simply withhold meals. The prisoners ate the same M.R.E.s that the guards ate, but you could deny them the spoon and all the fixings. “If you got Salisbury steak, they got the Salisbury steak, not the rice that comes with it, not the hot sauce, not the snack, not the juice—the Salisbury steak, and that’s it,” Davis said. “They were starving by the time they’d get ready to get interrogated.” At that point, he said, it would be: “O.K., we’ll give you more food if you talk.” [...] And you could inflict pain. “You also had stress positions, and you escalated the stress positions,” Davis said. “Hand-cuffs behind their backs, high up, in very

uncomfortable positions, or chained down. Then you had the submersion. You put the people in garbage cans, and you'd put ice in it, and water. Or stick them underneath the shower spigot naked. They'd be freezing." It was a routine, he said: "Open a window while it was, like, forty degrees outside and watch them disappear into themselves . . . before they go into shock."” (Source: The New Yorker, 24 March 2008)



Senate report: CIA misled public on torture

“The CIA's harsh interrogations of terrorist detainees during the Bush era didn't work, were more brutal than previously revealed and delivered no "ticking time bomb" information that prevented an attack, according to an explosive Senate report released Tuesday. The majority report issued by the Senate Intelligence Committee is a damning condemnation of the tactics -- branded by critics as torture -- the George W. Bush administration deployed in the fear-laden days after the September 11, 2001 terrorist attacks. The techniques, according to the report, were "deeply flawed," poorly managed and often resulted in "fabricated" information. [...] The report suggests that the controversial enhanced interrogation techniques did not produce information necessary to save lives that was not already available from other means. That is important because supporters of the program have always said that it was vital to obtaining actionable intelligence from detainees that could not be extracted through conventional interrogations.” (Source: CNN, 9 December 2014)

Mass Murder Relies on People Like Us

‘In Phnom Penh, between 1975 and 1979—the years of Khmer Rouge terror that Cambodians often refer to simply as Pol Pot Time—a former schoolteacher named Kaing Guek Eav, better known as Duch, orchestrated the torture and execution of at least twelve thousand men, women, and children. The Khmer Rouge murdered close to two million Cambodians in that period. That’s what their particular brand of Communist revolution amounted to: killing. Duch wasn’t one of the masterminds, but he was their zealous servant, and he was entrusted with the command of S-21, the prison where Khmer Rouge cadres were sent to be purged. The purges were constant. While ordinary Cambodian civilians were killed on an industrial scale and without ceremony, it was Duch’s mission to insure that everyone held at S-21 was broken down until they confessed to counter-revolutionary crimes—working for the C.I.A., say, or for the K.G.B., or for both, even though most prisoners had never heard of either agency before Duch’s torturers went to work—and then he had them slaughtered.’ (Source: The New Yorker, 15 Mai 2014)

Literature

- Smeulers and Grünfeld, Chapter 4: Torture, pp. 119 – 141. (available as ebook: <https://maastrichtuniversity.on.worldcat.org/oclc/744474796>)
- Blakeley, Why Torture? Review of International Studies / Volume 33 / Issue 03 / July 2007, pp 373-394– 394. Available at: <http://dx.doi.org/10.1017/S0260210507007565>
- Parry, John T. "The shape of modern torture: extraordinary rendition and ghost detainees." Melb. J. Int'l L. 6 (2005): 516. Available at: http://heinonline.org/HOL/Page?handle=hein.journals/meljil6&g_sent=1&collection=journals&id=520

Choose between one of the sources mentioned below:

- Report of the Commission of Inquiry on human rights in DPRK. Available at: <http://www.ohchr.org/en/hrbodies/hrc/coidprk/pages/commissioninquiryonhrindprk.aspx>
- Senate Intelligence Committee Study on CIA Detention and Interrogation Program. Available at: <http://www.feinstein.senate.gov/public/index.cfm?p=senate-intelligence-committee-study-on-cia-detention-and-interrogation-program>

Week 2

Tutorial 3: Crimes of obedience

Task

According to scholars Kelman and Hamilton, gross human rights violations are often of a specific nature. They referred to these perpetrations as *crimes of obedience*. According to Kelman and Hamilton crimes of obedience are the outcome of a macro policy process that authorizes, routinizes and dehumanizes and thereby on a more individual micro level enables the perpetration of these crimes. Especially dehumanization appears to be of great importance as to why these individuals can engage in violence against their fellow human beings. Crucial to the policy process is furthermore the ideology informing it. This becomes most vividly clear in cases of genocide. The genocide against the Tutsi and the Holocaust were driven by the ideology of Hutu Power and National Socialism. Although these ideologies are substantially different they both contain similar conceptual elements that somehow present ordinary people with a mind-set that enables them victimize other people. Also in these ideologies, dehumanization plays an important role. It apparently turns human subjects into objects that subsequently fall outside the universe of obligation.

Case illustration

American Atrocity: Remembering My Lai

“Most of these victims are “collateral damage”: men, women and children caught in urban warfare; families obliterated by grenades and mortars; entire cities laid waste by bombers dropping tons of ordnance from miles above. But countless civilians slaughtered in warfare don’t die by accident or as the result of military errors; they’re killed by design. They are, in other words, murdered—often after being raped or tortured. It happened in the Peloponnesian War, it happened in the Napoleonic Wars, it happened in the American Civil War and World War I and the Spanish Civil War and World War II and the Korean War and Vietnam and Kosovo and Iraq and it’s happening today in Syria and the Congo and other places where the paths of warriors and civilians inevitably cross.” (Source: Time, 13 March 2013)

Children of the Dirty War

‘During the Process of National Reorganization—the military junta’s grandiose name for the period of its rule, from 1976 to 1983—as many as thirty thousand people, mostly young Argentines, were disappeared. The government justified its tactics as part of a war against a revolutionary insurrection waged by “subversive terrorists,” though the junta’s first leader, General Jorge Rafael Videla, defined a “terrorist” as “not only someone who plants bombs but a person whose ideas are contrary to Western, Christian civilization.” The junta’s security forces exceeded even that sweeping mandate when targeting dissidents for elimination. Sixty students from Manuel Belgrano High School, in Buenos Aires, were disappeared simply for having joined their student council. Victims were abducted as they stepped off buses, as they walked home from work or school, or in midnight raids of private residences and of the safe houses where members of guerrilla groups or of banned trade and student organizations lived in hiding. The abductees were taken to clandestine detention centers, where the majority of them were tortured and killed.’(Source: The New Yorker, 19 March 2012)



Compulsory literature

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- Alex Alvarez: *Destructive Beliefs: Genocide and the Role of Ideology*, pp. 213-229 in Alette Smeulers & Roelof Haveman [eds.], *Supranational Criminology: Towards a Criminology of International Crimes*, Intersentia, Antwerp, 2008. Text is available on Eleum.

Tutorial 4: organizational and institutional dynamics

Task

In addition to the ideological policy structures that operate on the macro level and influence behavior on the micro level, as we discussed in the last session, there are also organizational or institutional structures on the interactional meso level that directly impact on individual human behavior and therefore also play an important role in enabling the perpetration of gross human rights violations.

A telling case that illustrates the impact of such meso-structures is that of Eichmann who was the head of transportation during the Holocaust and therefore greatly responsible for carrying out Hitler's



extermination policy. When he was finally caught in Argentina and brought to trial in Jerusalem in 1961, his appearance surprised many people. First of all, he was not the evil and scary man people had expected him to be. Moreover his testimony surprised many. He testified that: "Except for the Jewish functionaries, with whom I worked all those years, I did not decide a single personal fate; and as for the functionaries, I never decided their fate, I never had any of them evacuated, let alone killed . . . or anything of the kind." He also claimed not to have killed anyone: "I have a lot on my conscience. I know that, Herr Hauptmann. But I had nothing to do with killing the Jews. I never killed a Jew, but I never killed a non-Jew either - I've never killed anybody. And I never ordered anybody to kill a Jew, or ordered anybody to kill a non-Jew. No, never." (Source: Lang and Sybill, Eichmann Interrogated: Transcripts from the Archives of the Israeli Police, Da Capo Press New York, 1984) Eichmann claimed to be an administrator in a large bureaucracy who was simply following the orders given to him by his superiors: "I obeyed my orders without thinking; I just did as I was told. That's where I found my - how shall I say? - my fulfillment. It made no difference what the orders were, Herr Hauptmann." Interestingly, Eichmann was not alone with his reference to orders, many perpetrators make this claim and argue that they had

merely carried out the orders they received and that they couldn't have done otherwise. Apparently the division of labor in bureaucratic organizations has great implications as it facilitates/enables the perpetration of these crimes.

Eichmann's trial inspired Milgram to set up a laboratory experiment in which he wanted to prove that ordinary people do not just obey any order from a perceived authority. He set up a laboratory experiment in which the subjects of the experiment were expected to give a fellow ordinary human being an electric shock. The first shock he asked them to give was a slight shock of 15 volts but the scale went up to 450 volts. Milgram expected that only few people would be prepared to give another person a strong or severe shock. The results of the experiments, however, were very different than he had expected. Amazed by the outcome Milgram carried out many more experiments, which were in the same line but each time he slightly changed the situation.

Milgram's experiment was not the only experiment that helped to shed a light on why ordinary persons without a history of violence can end up perpetrating the most heinous crimes. Another experiment which reveals how institutional structures and the roles they create can negatively impact on behavior was conducted by Zimbardo. In this so-called Stanford Prison Experiment (SPE), ten university student volunteers were to be held in a fake prison in the basement of Stanford University as prisoners. Eleven other university students were asked to guard the prisoners and make sure that order in the prison would be kept. The experiment was scheduled to last for 14 days, but got out of hand. The guards started to abuse the prisoners and several prisoners broke down. In order to avoid lasting damage to the participants the experiment was terminated after 6 days.

Case illustration

Bureaucracy of Repression: The Iraqi Government in Its Own Words

“The majority of files originate in offices of the General Security Directorate, Iraq's internal intelligence agency, or secret police. The holdings also include significant quantities of files from the military Intelligence agency, and from local offices of the ruling Ba'ath Party. The Ba'ath Party's regional headquarters in northern Iraq, the Northern Bureau in Kirkuk, has been responsible for the implementation of the regime's policies vis-a-vis the Kurds. Thus it

is the Northern Bureau that had overall authority in the north for the 1988 Anfal campaign. The files being examined by a Middle East Watch-led team include for the most part memoranda, correspondence, arrest warrants, background information on suspects, official decrees, activity and investigation reports, logbooks, minutes of meetings, membership rosters, lists of names, census forms and salary tables. Through the mechanism of referencing, the documents are linked to one another in a vast and complex administrative web. Despite their variety, they display a remarkable consistency in style. The language is dry and formal, indicating rigid bureaucratic procedures. [...] The documents provide evidence of collective and extra-judicial punishments, summary executions, and illegal reprisals. Concerning the crucial 1987-89 period, Middle East Watch is confident that the evidence is sufficiently strong to prove a case of genocidal intent on the part of the Iraqi government. In their totality, the documents attest to the existence of a large bureaucracy which, by the nature of the policies that were carried out against the Kurdish population in the 1980's, was a bureaucracy of repression. Through the documents, Iraq's rulers in the Revolutionary Command Council, the Ba'ath Party and the security apparatus speak with great clarity even if their words are filtered through the bureaucratic vernacular of civil servants following a dull routine of inflexible procedures.” (Source: Human Rights Watch, February 1994)

Torture at Abu Ghraib: American soldiers brutalized Iraqis.

“Last June, Janis Karpinski, an Army reserve brigadier general, was named commander of the 800th Military Police Brigade and put in charge of military prisons in Iraq. General Karpinski, the only female commander in the war zone, was an experienced operations and intelligence officer who had served with the Special



Forces and in the 1991 Gulf War, but she had never run a prison system. Now she was in charge of three large jails, eight battalions, and thirty-four hundred Army reservists, most of whom, like her, had no training in handling prisoners. General Karpinski, who had wanted to be a soldier since she was five, is a business consultant in civilian life, and was enthusiastic

about her new job. In an interview last December with the St. Petersburg Times, she said that, for many of the Iraqi inmates at Abu Ghraib, “living conditions now are better in prison than at home. At one point we were concerned that they wouldn’t want to leave.” A month later, General Karpinski was formally admonished and quietly suspended, and a major investigation into the Army’s prison system, authorized by Lieutenant General Ricardo S. Sanchez, the senior commander in Iraq, was under way. A fifty-three-page report, obtained by The New Yorker, written by Major General Antonio M. Taguba and not meant for public release, was completed in late February. Its conclusions about the institutional failures of the Army prison system were devastating. Specifically, Taguba found that between October and December of 2003 there were numerous instances of “sadistic, blatant, and wanton criminal abuses” at Abu Ghraib. This systematic and illegal abuse of detainees, Taguba reported, was perpetrated by soldiers of the 372nd Military Police Company, and also by members of the American intelligence community. (The 372nd was attached to the 320th M.P. Battalion, which reported to Karpinski’s brigade headquarters.)” (The New Yorker, May 2004)

Compulsory literature

- Z. Bauman, *Modernity and the Holocaust*, Cambridge: Polity Press 1989, Chapter 4 The Uniqueness and the normality of the Holocaust, p. 88-106. Text is available on Eleum.
- Smeulers and Grünfeld, Chapter 6: Human nature and social-psychological insights, pp. 211– 238. Available as e-book in the library
- S. Milgram, *Obedience to Authority*. Text is available on Eleum.
- P. Zimbardo, *The psychology of imprisonment: Privation, power and pathology*. Text is available on Eleum.
- Watch the videos on the Milgram experiment and Stanford prison experiments on YouTube.

Week 3

Lecture 2: Your neighbor's son

Tutorial 5: Training and educating torturers

Task

This session continues to explore the 'extra-ordinary' circumstances that facilitate or coerce people into inflicting violence on their fellow human beings. It explores the broader training and education processes and procedures utilized by the architects of mass violence in order to turn ordinary people into perpetrators of gross human rights violations.

"We are a poor but decent family ..., ' said his father, a farmer, 'and now I see him in the dock as a torturer. I want to ask the court to examine how a boy who everyone said was 'a diamond' became a torturer. Who morally destroyed my family and my home?"

So spoke a father of one of the 32 Greek soldiers who faced trial in August 1975 before a permanent court martial of Athens on charges of torture carried out during the dictatorship under the junta of colonels from 1967 to 1974. People are carefully selected, because the regime seeks the ideal torturer and it therefore needs candidates with certain characteristics. After initial selection conscripts move through a complex process involving training at various institutions, each using specific techniques to train the recruits. Those persons with potential were eventually drafted for the torture school and further underwent a process of desensitization, which was designed to shape their recruits into 'tools - people with no minds of their own'. Like the process in the Milgram experiment this process of violentization is a gradual process. The training process that individuals go through and which shapes them and turns them into perpetrators is furthermore influenced by certain group dynamics, which impact on their responsibility, agency and identity.

Case illustration

The ordinary people who are capable of evil: Emma Daly talks to a psychologist who painted a portrait of those who torture

“When Dr Haritos-Fatouros began her research 15 years ago into the minds of torturers - particularly those who served the Greek dictatorship of 1967-74 - she assumed they must be sadists. But even before she started to interview torturers, she 'had stopped expecting a monster'. She had come to believe instead in what might be called 'The Obedient Torturer'. Her conclusion - that torturers are, indeed must be, 'normal people' - did not disturb her. 'But other people became very sad and worried. I had given them the idea that maybe they could become torturers.' While most of us would admit to having hurt another person deliberately, we recoil in horror from the thought of subjecting someone to extreme pain for impersonal reasons. But Dr Haritos-Fatouros, Professor of Clinical Psychology at the University of Thessalonika, concludes that such feelings of shared humanity are often not strong enough to override our obedience to authority. Any of us might torture a stranger, even a friend, she says, if we were told to. The key lies in the principles used to train elite military corps the world over. 'It's not a question of one ideology or another. All military elite corps training is similar - some states use soldiers for atrocities, some don't. The state must destroy the individual and remake him - sometimes in the image of the torturer.' The methods used at KESA, the Greek Military Police training camp, involved putting recruits through a punishing physical regime and brutal treatment. by to build esprit de corps. One KESA graduate, who was known as a superstar in the world of torture, said of his training: 'They aimed to produce tools - people with no minds of their own, people who, when you said 'stand up', stood up.' Recruits were forced to march along dusty tracks on their knees, packs on their backs, caps held above their heads; they were awoken and made to hop on the spot, half-naked and loaded down with sandbags, for two or three hours. 'It was incomprehensible,' he told Dr Haritos-Fatouros. [...] The generals lost power in 1974, and two years later the first Greek torturers were put on trial. Dr Haritos-Fatouros followed the cases and began her research by interviewing 10 torturers. She says the first rule for those selecting potential torturers is: do not hire a sadist. A delight in inflicting pain is a disadvantage; a sadist might make it personal. One Latin American country drew up guidelines which specified that torturers must be able to control themselves; must go as far as is necessary and no farther; and must have goals that are both important and impersonal. [...] Torture does not need to be a male preserve, she says. The vast majority of torturers are men simply because it is usually

men who do military service, work as police or in concentration camps. Women could be trained in the same way. Those who graduated from KESA had made it as members of a close-knit elite. 'The strange thing is that outside the camp, many of the torturers led normal lives,' Dr Haritos-Fatouros says. 'One of the cruelest had a girlfriend who had many friends involved in the struggle against the regime and he would go with her to cafes, where they would sing songs against the dictatorship.' And then he would go back to work." (Source: The Independent, 10 August 1992)

UK forces taught torture methods

The sexual humiliation of Iraqi prisoners at Abu Ghraib prison was not an invention of maverick guards, but part of a system of ill-treatment and degradation used by Special Forces soldiers that is now being disseminated among ordinary troops and contractors who do not know what they are doing, according to British military sources. The techniques devised in the system, called R2I - resistance to interrogation - match the crude exploitation and abuse of prisoners at the Abu Ghraib jail in Baghdad. One former British Special Forces officer who returned last week from Iraq, said: "It was clear from discussions with US private contractors in Iraq that the prison guards were using R2I techniques, but they didn't know what they were doing." He said British and US military intelligence soldiers were trained in these techniques, which were taught at the joint services interrogation center in Ashford, Kent, now transferred to the former US base at Chicksands. "There is a reservoir of knowledge about these interrogation techniques which is retained by former Special Forces soldiers who are being rehired as private contractors in Iraq. Contractors are bringing in their old friends". (Source: The Guardian, 8 may 2004)

Compulsory literature

- Smeulers and Grünfeld, Chapter 8: The training and education of torturers, pp. 267 – 294. Available as e-book in the library
- Smeulers and Grünfeld, Chapter 9: Ordinary people in extra-ordinary circumstances, pp. 295 – 317. Available as e-book in the library
- Dutton, Donald G. "Transitional processes culminating in extreme violence." Journal of Aggression, Conflict and Peace Research 4.1 (2012): 45-53. Available at: https://www.researchgate.net/profile/Donald_Dutton/publication/235297590_Transiti

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- Mark Winton, Violentization Theory and Genocide, *Homicide Studies* November 2011 vol. 15 no. 4, 363-381. Available at: <http://dx.doi.org/10.1177/1088767911424538>



Tutorial 6: Language (+ hand out mid-term exam assignment)

Task

Before and after their crimes, individuals but also states through their talk and discourse neutralize their questionable behaviour towards themselves and others who are critical about it. By drawing on specific rhetorical techniques these actors are able to redefine problematic situations so that the otherwise applicable norms and values no longer apply thereby enabling them to engage in the most questionable behaviour. These techniques are also used by these actors in hindsight in order to justify and excuse behaviour that in the eyes of others is plainly criminal. If this is done successfully it is highly likely that a spiral of violence is generated and human rights violations continue to occur. There even appears to be a discourse-policy nexus and it is noticed that elite political discourse plays an important role in constructing and sustaining the conditions necessary for the acceptance and normalisation of torture. But also in other ways can language facilitate the perpetration of human rights violations, because it has the power to obscure the true nature of certain violent realities. In this context Zerubavel once observed that euphemisms often serve as the 'deodorants of language'. When the gruesome realities concerning gross human rights violations are covered up by perpetrators, they often tend to follow a certain strategy of denial that involves literal, implicatory and interpretative denial. They engage in denial often with great success. All this shows that language can thus be thus a powerful weapon. When one understands the power of language and the role it plays one comes to question that these horrible crimes are the result of abnormal individual mind-sets and abnormal social dynamics. On the contrary, perpetrators are often not only ordinary people without a history of violence, they also rely of language devices that are very common in ordinary non-violent societies and that people use on a daily basis.

Case illustration

Cheney's 'Dark Side' Is Showing

Cheney publicly embraced the "dark side" within days after the terrorist attacks. Here he is talking to NBC's Tim Russert on Sept. 16, 2001. The U.S. military has "a broad range of capabilities. And they may well be given missions in connection with this overall task and strategy," Cheney said. "We also have to work, though, sort of the dark side, if you will.

We've got to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful. That's the world these folks operate in, and so it's going to be vital for us to use any means at our disposal, basically, to achieve our objective." (Source: Washington Post, 7 November 2005)



Cheney insists 'rectal feeding' was for medical reasons, not torture

"Dick Cheney, the former US vice-president who was at the forefront of the post-9/11 push towards aggressive interrogation techniques since denounced as torture, has defended the use of "rectal feeding" of terror suspects, claiming it was done for "medical reasons". In a combative interview with NBC's Meet the Press on Sunday, Cheney was unrepentant about the so-called "enhanced interrogation techniques" that were deployed under his watch. He swatted away evidence contained in the Senate intelligence committee report into the CIA programme that a suspect later found to be innocent froze to death having been shackled naked to a cell wall, and that detainees were rectally infused with food, refusing to accept a torture definition for either example. "Torture to me is an American citizen on a cell phone making a last call to his four young daughters shortly before he burns to death on the upper levels of the Trade Center in New York City on 9/11," Cheney said. "There's a notion that there's moral equivalence between what the terrorists did and what we do, and that's absolutely not true. We were very careful to stay short of torture." The former vice-president led a concerted pushback from Republicans and intelligence chiefs to the Democratic-

sponsored Senate report, dominating the Sunday morning talk shows. Several prominent figures denounced the report as flawed and dangerous. Cheney was asked to respond to the evidence in the report that while being held at a CIA secret prison, a prisoner named Majid Khan had a lunch of hummus, pasta, sauce and raisins pureed into a juice that was then rectally introduced into his body. The incident was one of the most gruesome elements of a 600-page summary released last week that shocked readers around the world. Asked whether Khan's treatment amounted to torture, Cheney replied: "I've told you what meets the definition of torture – it's what 19 guys armed with airline tickets and box cutters did to 3,000 Americans on 9/11." Pressed by the anchor Chuck Todd, he added: "I believe it was done for medical reasons. That was not something that was done as part of the interrogation programme. It was not torture, as it was not part of the programme." Confronted with details of the treatment of senior al-Qaida figure Abu Zubaydah, who was placed in a coffin-sized box for 266 hours, Cheney said: "I think that was one of the approved techniques." When Todd referred to the death of Gul Rahman from hypothermia, Cheney rebuffed the question by saying that "the problem I have is with all the folks we did release who ended up on the battlefield". He said he had "no problem" with a figure contained in the Senate report, that about a quarter of those subjected to torture had been later proven innocent: "I have no problem as long as we achieved our objective – to get the guys who did 9/11 and avoid another attack on the US.'" (Source: The Guardian, 15 December 2014)

Compulsory Literature

- Zerubavel, The Elephant in the room, Chapter 2, The rules of denial, pp. 17 – 32. Available on Eleum.
- Richard Jackson, Language, Policy and the Construction of a Torture Culture in the War on Terrorism, Review of International Studies, Vol. 33, No. 3 (Jul., 2007), pp. 353-371. Available at: <http://www.jstor.org/stable/40072182>
- Alvarez, 1997. Adjusting to genocide, Social science history, 21(2), pp. 139-178. Available at: <http://www.jstor.org/stable/1171272>

Hand out and discuss mid-term exam/paper

Part III: Bystander

Week 4

Tutorial 7: Bystanders

Task

Bystanders, or onlookers, generally are perceived to be neutral in the face of problematic situations, but the question is whether this is correct. It has been argued by certain scholars that instead of being neutral bystanders actually play a crucial role in the dynamic of perpetration and victimization. The impact that onlooker behavior has on the perpetrators is apparently crucial in understanding why the crimes are perpetrated and keep on being perpetrated. Explaining the phenomenon of bystanding is not an easy task and research on how people act in situations in which help is needed shows that many issues are at play and influence the decision to act or not. The scenarios that the discussion concerns however vary widely and range from situations in which individuals are directly confronted with dangerous or violent cases and fail to act, but also scenarios in which audiences (or the public more generally) are indirectly confronted with (knowledge about) human suffering, such as in case of awareness campaigns by human rights agencies, but fail to act upon the calls/information of these agencies on behalf of the victims.

Case illustration

It was no concern of his...

“It was right here at the old synagogue. Yes, I remember now. At Saturday. The police had herded all the city’s Jews into the building. The house of prayer and meditation had become a depot where families were separated and friends said farewell. Last stop before boarding the death train. A memory came to surface so violently that I felt dizzy. The window, the curtains, the face: in the house across the way. A spring day, sunny, the day of punishment, day of divorce between good and evil. Here, men and women yoked by misery; there, the face that watched them. It was then that I saw him. A face in the window across the way. The curtains hid the rest of him; only his head was visible. It was like a balloon. Bald, flat nose, wide empty eyes. A bland face, banal, bored: no passion ruffled it. I watched it for a long time. It was gazing out, reflecting no pity, no pleasure, no shock, not even anger or interest. Impassive, cold, impersonal. The face is neither Jewish nor anti-Jewish; a simple spectator,

that's what it is. For seven days the great courtyard of the synagogue filled and emptied. He, standing behind the curtains, watched. The police beat women and children; he did not stir. It was no concern of his. He was neither victim nor executioner; a spectator, that's what he was. He wanted to live in peace and quiet." (Source: Wiesel, *The town beyond the wall*, New York: Bergen-Belsen Memorial Press 1964.)



Compulsory literature

- Smeulers and Grünfeld, Chapter 10: Bystanders, pp. 331 – 341. Available as e-book in the library
- Fisher, *The Bystander-Effect: A Meta-Analytic Review on Bystander Intervention in Dangerous and Non-Dangerous Emergencies*, pp. 517-537. Text is available on Eleum.
- Cohen, S. *States of Denial: Knowing about atrocities and suffering*, Chapter 6: Bystander states, pp. 140 – 159. Text is available on Eleum.
- Irene Bruna Seu, 'Doing denial': audience reaction to human rights appeals, *Discourse & Society*, 21(4) 438–457. Available at: <http://das.sagepub.com/content/21/4/438.full.pdf>

Week 5

Tutorial 8: Prevention and intervention

Task



After the Holocaust the credo of the individual states and the international community was “Never Again”. However, despite such claims, in Rwanda the international community failed to take constructive action and prevent one of the worst episodes of violence in human history. But Rwanda was not the only instance and after the Holocaust we witnessed many

new genocides in Europe, Asia and Africa. Ideally bystanders, such as the international community or individual states, would act upon early warnings in order to prevent problematic situations from escalating into violent conflict which results in massive human rights violations. States often claim that they did not know what exactly was happening. Some have made sense of the inaction by looking into the process of bureaucratic decision making. Many different factors (could) determine why states and the international community does not act when it is supposed to. For various reasons states and the international community have missed out on opportunities to de-escalate situations and neglected to intervene.

Case illustration

Bystanders to genocide

“In the course of a hundred days in 1994 the Hutu government of Rwanda and its extremist allies very nearly succeeded in exterminating the country's Tutsi minority. Using firearms, machetes, and a variety of garden implements, Hutu militiamen, soldiers, and ordinary citizens murdered some 800,000 Tutsi and politically moderate Hutu. It was the fastest, most efficient killing spree of the twentieth century. A few years later, in a series in The New Yorker, Philip Gourevitch recounted in horrific detail the story of the genocide and the world's failure to stop it. President Bill Clinton, a famously avid reader, expressed shock. He sent copies of Gourevitch's articles to his second-term national-security adviser, Sandy

Berger. The articles bore confused, angry, searching queries in the margins. "Is what he's saying true?" Clinton wrote with a thick black felt-tip pen beside heavily underlined paragraphs. "How did this happen?" he asked, adding, "I want to get to the bottom of this." The President's urgency and outrage were oddly timed. As the terror in Rwanda had unfolded, Clinton had shown virtually no interest in stopping the genocide, and his Administration had stood by as the death toll rose into the hundreds of thousands." (The Atlantic, September 2001)

Compulsory literature

- Smeulders and Grünfeld, Chapter 10: Bystanders, pp. 341 - 356. Available as e-book in the library.
- Meyer, Otto, Brante and De Franco, Recasting the Warning-Response Problem: Persuasion and Preventive Policy, International Studies Review, Volume 12, Issue 4, pages 556–578, December 2010. Available at: <http://dx.doi.org/10.1111/j.1468-2486.2010.00960.x>
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- Grünfeld, F., & Vermeulen, W. (2014). Failure to prevent gross human rights violations in darfur : Warnings to and responses by international decision makers (2003-2005). Leiden: BRILL. Chapter 2 and 3, pp. 21 – 49. Available as e-book in the library.

Tutorial 9: Rescuers

Task

The previous sessions focused mainly on those who are directly involved in the perpetration of gross human rights violation or those who facilitate it by their inaction. However, in addition to perpetrators and bystanders (collaborators), other actors in the same or similar situations did not perpetrate or passively stand by; instead they took affirmative action and became rescuers. This generally does not happen in a quick instance, but it is the outcome of a process that consists of several stages and in which various factors are at play. The reality of rescue becomes even more complex when one realizes that also perpetrators can rescue, and that rescuers can engage in criminal behavior.

Case illustration

Raoul Wallenberg's biography



‘During my lecture tours both in Sweden and abroad as part of the international effort to secure Raoul’s release from the Soviet Union, I have often been asked how it was possible to save such a large number of people-about 100,000-from the Nazi executions. The most important answer: Raoul Wallenberg was the right man in the right place, given the situation then prevailing. Although he was not the heroic type in the ordinary sense, he was a fearless, skilled negotiator and organizer. He was, moreover, a good actor, a talent that served him well during his clashes with the Nazis. He could also show two different personalities. The first was the calm, humorous, intellectual, warm person that we co-workers could see. The second was Raoul Wallenberg in confrontation with the Nazis: he was transformed into an aggressive person who would shout at them or threaten them on one occasion, flatter or bribe them on another, as the circumstances required. They were impressed by him and usually gave in to his demands. One reason, of course, was his Swedish diplomatic status, which the Germans did not dare to violate. The fact is that neither

Raoul nor we, his co-workers, at first had any idea that his rescue action would eventually grow to such a large scale.’ (Jan Larsson, Per Anger and the Swedish Institute, 1986)

The Altruistic Personality: How Good People Got That Way

‘The Oliners ask whether saving others was a matter of opportunity or character. This brings them to a statistical examination of the highly ramified questionnaire they devised. Their inquiries show, for example, that based on their sample, 59 percent of rescuers had Jewish friends before the war, whereas only 25 percent of bystanders did. The authors provide a fascinating set of parallel statements made by rescuers and non-rescuers. A rescuer says, "Our friend made us aware that he would be arrested." A non-rescuer tells the story more abstractly, "I became aware through the BBC. We heard Jews were being arrested." The responses of rescuers to the questionnaire also show that you needed not only spunk but certain other resources to rescue people - money or goods for bribes and for buying documents and black-market food. And, the Oliners argue, though chance sometimes provided rescuers with an opportunity to help, it was the values learned from their parents that prompted and sustained their involvement.’ (New York Times, 4 September 1988)

Compulsory literature

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- Varese, THE IMPORTANCE OF BEING ASKED. THE RESCUE OF JEWS IN NAZI EUROPE, pp. 307 – 334. Available at: <http://soc.haifa.ac.il/~yaish/papers/theimportanceofbeingasked.pdf>

Part IV: Victims

Week 6

Lecture 3: Weapon of war

Tutorial 10: Gender based violence

Task

In discussions on sexual violence, the violence is often said to be an intrinsic part of the spoils of war: in addition to plundering goods and other valuables, soldiers abuse women of the group or nation that they conquered. Several historical and more contemporary cases however indicate that this explanation is too simple and it obscures the true nature of the sexual violence committed. When sexual violence is not simply a spoil of war in order to serve the sexual desires of the soldiers, the violence can serve multiple other purposes, although the one does not exclude the other as one author notices: “Perhaps the most famous example of a militia using girls as spoils of war is that of the Lord’s Resistance Army in Uganda, which kidnapped nearly 600 girls and boys to be used as sex slaves between 2008 and 2011,” says Lauren Wolfe of the Women Under Siege Project in Foreign Policy, citing UN figures. But for the LRA, the kidnappings served a double purpose: recruitment to swell their ranks and terror to subdue suspected opponents and other ethnic groups. “The threat of rape during war has always operated as a form of terrorism,” say Parrot and Cummings. “It is used by individuals within communities, against entire female populations and against detainees and political prisoners.” (Ward 2015) The relation between gender selective violence and conflict is thus complex. Furthermore, while most research that addresses this relationship focuses on why and how women are targeted, it is also important to acknowledge that gender selective violence is not limited to women and girls. Men and boys can also become the specific targets of genocide. One observer notes that “Viewing rape primarily as a weapon of war may also be affecting how sexual violence is defined and lead to under-reporting.” GBV is defined as violence that targets women or men because of their sex or gender, but often when we talk about gender-based violence it's used interchangeably with violence against women," [...] Men participating in the study reported that armed combatants forced them to have sex with family members, objects, or even the ground, but the men themselves did not define this as sexual violence. "Violence against women is a huge issue, [violence against men] is an emerging one". (IRIN 2011)

Case illustration

When rape was a spoil of war

‘Reading *A Woman in Berlin* in one afternoon is an unnerving sensory experience: the walls close in, the air thickens, shrieks from children playing nearby adopt a sinister air. This is an all-enveloping book, a lyrical personal journal composed as the Russians entered the author's city in the closing weeks of the Second World War; it leaves a deep scar. The anonymous author's dispassionate tone adds to its cumulative power; this terrible thing happened, and then this one, and just when you thought it couldn't get any worse ... It is such an awful and compelling record and so perfect in its descriptive simplicity that it is easy to see why some people were keen to dismiss it as a hoax. The diary begins on 20 April 1945, four days after the Red Army had begun its bombardment of the city. It is also Hitler's birthday, but this is the first year that it is overlooked. Before the war, the author used to sit down to a meal with the phrase: 'For all of this, we thank the Führer', but the words are now uttered with scorn and derision. She spends her early entries scurrying around for food and safety, dividing her time between her attic, an apartment of an unnamed widow who befriends her and a basement shelter. Rumour has taken the place of all official news and stories of distant defeats are less significant than the whispers of local potato or bread shortages. Initially, those in the food queues run for cover from an air raid, but, within a few weeks, they merely throw a bucket over their heads and keep their place. In every queue, the hum of planes is accompanied by the horror yet to arrive: the violent sexual appetites of the Russian forces. When it comes, invasion is absolute: the central weeks of the diary are concerned primarily with rape, the author a frequent victim. She writes of physical abuse with the same stoical endurance she brings to the rest of the moral disintegration around her: everyone steals everything, so why not? She accepts the Red Army view of rape as the natural spoils of war, the frustrated display of brute force made worse by the large supplies of alcohol recovered from German barracks. Her initial resistance gives way to a strategy: 'I have to find a single wolf to keep away the pack. An officer, as high-ranking as possible, a commandant, a general, whatever I can manage.' (The Guardian, 19 June 2005)

Recognizing sexual violence as an international crime

‘For centuries, sexual violence in conflict was tacitly accepted as unavoidable. A 1998 UN report on sexual violence and armed conflict notes that historically, armies considered rape one of the legitimate spoils of war. During World War II, all sides of the conflict were

accused of mass rapes, yet neither of the two courts set up by the victorious allied countries to prosecute suspected war crimes — in Tokyo and Nuremberg — recognized the crime of sexual violence. It was not until 1992, in the face of widespread rapes of women in the former Yugoslavia, that the issue came to the attention of the UN Security Council. On 18 December 1992, the Council declared the "massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina" an international crime that must be addressed. Subsequently, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) included rape as a crime against humanity, alongside other crimes such as torture and extermination, when committed in armed conflict and directed against a civilian population. In 2001, the ICTY became the first international court to find an accused person guilty of rape as a crime against humanity. Furthermore, the Court expanded the definition of slavery as a crime against humanity to include sexual slavery. Previously, forced labor was the only type of slavery to be viewed as a crime against humanity. The International Criminal Tribunal for Rwanda (ICTR, 1994) also declared rape to be a war crime and a crime against humanity. In 1998, the ICTR became the first international court to find an accused person guilty of rape as a crime of genocide (used to perpetrate genocide). The judgment against a former mayor, Jean-Paul Akayesu, held that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, the Tutsi ethnic group. The Rome Statute of the International Criminal Court, in force since July 2002, includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or "any other form of sexual violence of comparable gravity" as a crime against humanity when it is committed in a widespread or systematic way. Arrest warrants issued by the ICC include several counts of rape as both a war crime and a crime against humanity. Although changing international and national laws are major steps towards punishing and ending sexual violence, they cannot be successful without a fundamental change in people's attitudes towards the sexual abuse of women.' (UN, Background Information on Sexual Violence used as a Tool of War)

Compulsory literature

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- Sara Meger, Rape of the Congo: Understanding sexual violence in the conflict in the Democratic Republic of Congo, *Journal of Contemporary African Studies*, 28:2, 119-135. Available at: <http://dx.doi.org/10.1080/02589001003736728>
- Lisa Sharlach, Gender and genocide in Rwanda: Women as agents and objects of Genocide, *Journal of Genocide Research*, 1:3, 387-399. Available at: <http://dx.doi.org/10.1080/14623529908413968>
- R. Charli Carpenter, Recognizing Gender-Based Violence Against Civilian Men and Boys in Conflict Situations, *Security Dialogue* March 2006 vol. 37 no. 1 83-103. Available at: <http://dx.doi.org/10.1177/0967010606064139>



Tutorial 11: The aftermath (+ hand out end-term paper assignment)

Task

For victims the suffering often does not stop when wars end or when genocidal extermination is halted. The aftermath poses many new challenges for them. It raises the issue of achieving justice for the crimes that were perpetrated, which can be achieved using a variety of mechanisms (justice phase). One such mechanism is reparations and victims of gross human rights violations have particular needs which has implications for reparation measures after such crimes. In the process of coming to terms with violent conflict acknowledgement for what happened appears to be of great importance to victims – the truth must be revealed and publically sanctioned (truth phase). Accepting a violent past and doing justice for the wrongs committed often turns out to be a challenge because the individual perpetrators or even societies at large deny the crimes they are responsible for. Especially in the case of genocide denial turns out to be an extremely violent matter that has a detrimental effect on the victims..

Case illustration

Turkey must end its 100 years of genocide denial

“In Turkey’s state-mandated educational system, in which critical inquiry is forbidden, the representation of the Armenian past is either absent or reduced to a couple of sentences, in which the Armenians are vilified. Turkey’s authoritarian curriculum dovetails with its repression of intellectual freedom, giving it one of the worst human rights records; in the past two years, according to the Committee to Protect Journalists, Turkey has had more imprisoned journalists than China and Iran. The continuing denial is also linked to the fear of reparations. What legal recourse will there be for the lost Armenian property and wealth, or the 2,500 Armenian churches and monasteries and nearly 2,000 schools destroyed? Turkey has elevated national pride over historical truth and any ethical concerns. In 1997 the International Association of Genocide Scholars unanimously passed a resolution stating that what happened to the Armenians conforms to the UN’s definition of genocide. There are a few academics whom Turkey has cultivated to support its falsification of history. About these, the Holocaust scholar Deborah Lipstadt has said: “Denial of genocide, whether that of the Turks against the Armenians, or the Nazis against the Jews, is not an act of historical reinterpretation ... the deniers sow confusion by appearing to be engaged in a genuine

scholarly effort. The deniers aim at convincing innocent third parties that there is ‘another side of the story’ when there is [none]; denial of genocide strives to reshape history in order to demonise the victims and rehabilitate the perpetrators.” But Turkish denial comes in many forms. This year, one of its tactics aimed at undermining the memory of the genocide includes holding a centennial event for the Battle of Gallipoli on 24 April – the day Armenians worldwide remember the genocide – rather than 25 April, the usual Gallipoli commemoration date. The offence is compounded by the attendance of Prince Charles and Prince Harry at this politically concocted gathering. That is why it was so important that last week Pope Francis affirmed that the slaughter of the Armenians was the “first genocide of the 20th century”. He showed that he would not be bullied by the Turkish state. Nor would he be cajoled by Turkey’s specious rhetoric suggesting that if he used the word “genocide” he would create a crisis between Muslims and Christians. The pope took the moral issue even further when he addressed the corruption of Turkish denial: “Concealing or denying evil is like allowing a wound to keep bleeding without bandaging it.” On the centenary of the genocide, Turkey would do its national honour well if it listened to him. There can be no reconciliation until there is truth.” (The Guardian, 2015)

Compulsory literature

- S. Cohen, State crimes of previous regimes: knowledge, accountability, and the policing of the past, in: American Bar Association, Law and Social Inquiry, Vol. 20, No. 1 1995, p. 7-28. Available at: <http://www.heinonline.org.ezproxy.ub.unimaas.nl/HOL/Page?public=false&handle=hein.journals/lsoiq20&collection=journals&id=15>
- Letschert, Rianne, et al. "Repairing the Impossible: Victimological approaches to international crimes." Justice for Victims. Perspectives on Rights, Transition and Reconciliation (2014). Available at: https://www.researchgate.net/profile/Rianne_Letschert/publication/254777868_Providing_Reparation_in_Situations_of_Mass_Victimization_-_Key_Challenges_Involved/links/5693fab108ae425c68961c50/Providing-Reparation-in-Situations-of-Mass-Victimization-Key-Challenges-Involved.pdf
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