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Criminology of atrocity crimes from a macro-, meso- and micro-level perspective

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Abstract

The present article looks at the aetiology of atrocity crimes. Theories which focus on one level of analysis cannot fully explain such a criminal phenomenon. Thus, the author studies the factors which are involved in the aetiology of mass atrocity at three different levels: macro (international and national), meso (group) and micro (individual) level. Notwithstanding the heterogeneity of the conducts which lead to atrocity crimes, the perpetrators of such crimes can be grouped into three main categories: top-, mid- and low-level perpetrators. The final aim of analysing the dynamics of mass atrocity from a macro-, meso- and micro-level perspective lies in describing the role that the members pertaining to each category usually play in the perpetration of such heinous crimes.

Keywords: mass atrocity, perpetrators, aetiology, multi-level approach, International Criminal Law.

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I. Introduction

The criminological analysis of atrocity crimes is utterly important in order to understand the dynamics of mass atrocity. Getting an insight into the dynamics of mass atrocity proves helpful to describe the role that each individual plays in the perpetration of international crimes, and thus, to determine the mode of liability in International Criminal Law (ICL) which best suits the role played by each of these individuals. Notwithstanding the relevance of the criminological analysis of international crimes, criminologists have paid little attention to this field of study. Due to the scarce number of researches conducted with regard to atrocity crimes, criminologists (see Smeulers and Haveman, 2008; Barak, 2008; Harrendorf, 2014) are aware that there is a long way ahead.

Since the aim of this article is to explain how international crimes emerge and take place, it focuses on the aetiology of international crimes, which requires to be studied from a clear conceptual and theoretical framework (Smeulers and Haveman, 2008). In doing so, it divides the multiple causes of atrocity crimes in three big groups: causes at macro level, meso level and micro level.

I.1. Subject of Study: Atrocity Crimes

As the reader may have already noticed, the author has applied the terms "international crimes" and "atrocity crimes" rather interchangeably throughout the text. "Transnational crimes", "state crimes", "core crimes" and the trinomial "genocide, crimes against humanity, and war crimes" are some other terms that scholars use to refer to the same phenomenon. This proliferation of terms is due to the fact that "all manner of official documents, public statements, and scholarly works struggle to find the right terminology for the range of crimes associated with atrocities" (Scheffer,

2014). As Scheffer (2014) puts it, there is an urge to find a unifying term that easily and accurately describes the totality of these crimes, and he suggests the term "atrocity crimes".

Before explaining the concept of "atrocity crimes", other terms that have been used to denote the same phenomenon should be excluded. With regard to the term "transnational crimes", it refers to ordinary crimes that can be prosecuted locally, albeit cross-border in nature (Barak, 2008; Schabas, 2012). Transnational crimes, such as smuggling, human trafficking, arms trafficking, drug trafficking, or money laundering, do not qualify for prosecution by international criminal tribunals (Barak, 2008). Thus, it proves to be an unsatisfactory term to name the kind of crimes which are subject to analysis in this research.

As for "state crimes", they describe acts of commission and omission by States which violate national criminal or civil laws or international laws (Barak, 2008; Rothe and Mullins, 2011; Balint, 2012). According to Rothe and Mullins (2006), all crimes prosecutable by the International Criminal Court (ICC) constitute state crimes, since state crimes refer to internationally defined unlawful actions committed by nation-states, typically to advance the social, economic, ideological, or political interests of the state or those in control of the state. Nevertheless, as it will be explained in depth in Section I.2. of this article, not all crimes prosecutable by the ICC are necessarily state crimes. They can also be committed by non-state actors – such as rebel groups or militias –, which leads to the conclusion that the term "state crimes" does not cover all genocides, crimes against humanity and war crimes. Therefore, the term does not cover all the crimes which are the subject of study of the present article.

The term "international crimes" is not adequate either. The aforementioned term can be understood in a narrow and in a broad sense. According to a narrow interpretation of the term, "international crimes" are defined by ICL, and they consist of three core crimes: genocide, crimes against humanity, and war crimes. In contrast, the broad definition supported by Bassiouni (1999: p. 58; in a similar sense, Henzelin, 2001; Fouchard, 2014; Kolb, 2008) considers the three core crimes as the most serious international crimes, but not the only ones. He lists a total of twenty-seven crimes, including crimes such as mercenarism, slavery, piracy, unlawful use of the mail, unlawful traffic in drugs and related drug offenses, falsification and counterfeiting, or international traffic in obscene materials (Bassiouni, 2013: pp. 144-149).

The scope of the broad definition of "international crimes" is visibly wider than the extent of "atrocity crimes". It includes crimes which fit better into the concept of "transnational crimes". Therefore, it is an inappropriate term to name the phenomenon which will be studied in the present research.

Although the narrow definition of the term is quite accurate, it describes a wider concept than "atrocity crimes". As Scheffer (2014: p. 245) explains, ICL is a wider concept than atrocity law. While ICL always applies to atrocity crimes, it would be incorrect to use the term to refer to conducts which are tried by international criminal tribunals, because ICL does not require that the crime is of a certain magnitude or gravity[1]. Thus, the term "atrocity crimes" is more satisfactory than the term "international crimes" to describe the phenomenon which constitutes the subject of study of the present article.

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[1] The Rome Statute declares that the ICC has jurisdiction over "the most serious crimes of international concern" (Article 1 RS) and that it will not admit cases which are not of sufficient gravity (Article 17(1)(d) RS).

Together with the term "atrocity crimes", Scheffer (2014: p. 245) suggests the term "atrocity law". It refers to the law applied to atrocity crimes, it is primarily applied by international and hybrid tribunals, and it is drawn from several disciplines of international law: ICL, International Humanitarian Law (IHL), international human-rights law, and military or court-martial law. It has already been mentioned how ICL relates to atrocity law, but the relationship that each of the rest three – IHL, international human-rights law, and military or court-martial law – has with atrocity law needs to be explained yet.

IHL prescribes norms to protect certain categories of individuals and property, and it prohibits attacks against them during the course of an armed conflict, whether international or non-international in character (Scheffer, 2014; Werle, 2011; Cassese, 2008). The problem is that it does not include genocides or crimes against humanity which take place outside an armed conflict. In its relatively short history, international human-rights law has engaged the responsibility of states for violations against individual victims, not the criminal liability of individual perpetrators (Scheffer, 2014). On the contrary, atrocity law requires criminal sanction, and it concerns only those human-rights violations that can be prosecuted as crimes. Lastly, military or court-martial is also unsatisfactory to cover the individual criminal liability of atrocity crimes, since it excludes non-military perpetrators (Scheffer, 2014). Thus, as Scheffer (2014: p. 245) states, more often than not, "the relevant criminal conduct engages several fields of established law" (ICL, IHL, international human-rights law, and military or court-martial law); in contrast, atrocity law overlaps parts of each of these separate fields of law, although it never encompasses any of them entirely.

The following five cumulative requisites must exist if the crime is to be included among those defined as "atrocity crimes" (Scheffer, 2014: pp. 238-239):

1) Significant magnitude of the crime: it is widespread or systematic or it occurs as part of a large-scale commission of such crimes (see also Smeulers and Haveman, 2008). Thus, it is required that there is a relatively large number of victims, or a severe injury upon non-combatant populations, or a violation of the laws and customs of war upon combatants or prisoners of war.

2) Commission of the crime in time of war or in time of piece, international or non-international in character.

3) Identifiable in ICL as genocide, crimes against humanity, war crimes, crime of aggression, the crime of international terrorism, and the emerging crime of ethnic cleansing.

4) Crime led, in its execution, by a ruling or powerful elite in society (including rebel or terrorist leaders) who planned the commission of the crime.

5) Crime that can lead to state responsibility (and even remedies against states), and which leads to individual criminal liability and prosecution of such individuals before a court duly constituted for such purpose.

With regard to the first requisite, it must be pointed out that genocide does not demand that the crime takes place as part of a larger plan. Even if the Elements of the Crimes require that "the conduct took place in the context of a manifest pattern of similar conduct", neither the Rome Statute (RS) nor the Statutes of the *ad hoc* tribunals – International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) – require it. However, it is true that genocide

usually takes place as part of a pattern – although that is only a factual event, not a legal requisite of the crime of genocide (Kress, 2009: p. 306; Ambos, 2010a: p. 170) –; therefore, the first requisite should be taken into account.

As it has already been explained, this is precisely the reason why the term "atrocity crimes" proves more accurate than that of "international crimes", since "international crimes" also include genocides, crimes against humanity and war crimes which do not meet the magnitude standard. And the subject of study of the present article (atrocity crimes) lies in the crimes over which international criminal tribunals have jurisdiction, that is to say, when one of the three core crimes meets the required magnitude standard.

Referring to the third characteristic, the crime of ethnic cleansing is considered a crime against humanity, so it would seem that there is no need to name it specifically. As for international terrorism, there is much controversy whether it should be included or not in the RS. Thus, it seems inadequate to include it in the term "atrocity crimes". The three core crimes – genocide, crimes against humanity, and war crimes – should compose the category of "atrocity crimes". Schabas (2014: p. 31) also boils down the category of crimes which constitute "atrocity crimes" to the three core crimes. Beyond that, however, Scheffer's proposal should be endorsed by scholars working in this field.

Schabas (2014) has been one of the first scholars to support the new term (Garibian, 2007; Karstedt, 2012; see against this idea Minow, 2014), since he believes that nowadays there are almost no distinctions to be made in terms of the legal consequences that flow from characterizing a crime as genocide, crimes against humanity or war crimes. He gives a convincing explanation of the development of the concepts of those three core crimes in order to understand why such a classification exists – even if it is becoming less and less important –.

Schabas (2014: pp. 32-33) explains how, in 1943, the UN War Crimes Commission was established by the Allies in order to hold Nazis personally liable for the war crimes they had committed, that is to say, the battlefield offences committed among combatants (such as the use of prohibited weapons, treachery, or the abuse of prisoners of war) or against civilian nationals of an occupied territory. But those crimes did not include the violations perpetrated within Germany against German nationals. Owing to the pressure from non-governmental organization activists, the Allies ultimately agreed to try the Nazis also for what were initially called "persecutions, exterminations and deportations" of "any civilian population", and then labelled "crimes against humanity" in the Charter of the Nuremberg Tribunal. Owing to the fact that this could "set a precedent by which Britain, France, the United States, and the Soviet Union might themselves be held responsible for "persecutions, exterminations and deportations" of their own subject peoples", the Allies added a requisite for the prosecution of crimes against humanity: they had to be committed in the context of an international armed conflict (Schabas, 2014; Werle, 2011: pp. 466-467; Cassese, 2008: p. 104; Bassiouni, 1999: pp. 521-522; Bettati, 2000).

In contrast, when the Convention on the Prevention and Punishment of the Crime of Genocide was adopted, Article 1 was written in such a way that genocide can be committed "in time of peace or in time of war" (Schabas, 2014: p. 33; Bassiouni, 1999: p. 370). As a result, besides from the fact that genocide only encompasses the intentional destruction of a limited number of protected groups (whereas crimes against humanity include a broad range of acts directed against any civilian population), another difference lies in the possibility to commit genocide in time of peace or war, while crimes against humanity could only be perpetrated in time of war. The underlying *rationale* of such a difference was that "states would only agree to the international

criminalization in peacetime of an extreme form of atrocity" (Schabas, 2014: p. 34)[2]. Therefore, by the end of the 1940s, conducts which amounted to the narrow definition of genocide were the only crimes that were punishable when committed in time of peace or in non-international armed conflicts" (Schabas, 2014).

Thus, the system of international law was drastically limited in terms of the definitions of crimes and the obligations they imposed. However, the situation today is totally different: there are hardly any distinctions in terms of the legal consequences that arise from characterizing a crime as genocide, crimes against humanity or war crimes (Schabas, 2014). That is another important reason why the new term suggested by Scheffer should be welcomed. Nevertheless, this does not mean that the three core crimes should be merged into one general crime, since they describe different conducts which should lead to the conviction for different crimes.

The term "atrocity crimes" is the term which best defines the phenomenon which is the subject of study of the present article. Thus, the results of the criminological analysis refer exclusively to atrocity crimes.

I.2. State Crimes?

Criminologists Green and Ward (2004) defined state crime as "state organizational deviance involving the violation of human rights" (in a similar sense, Alvarez, 2010). The definition of state crime provided by Rothe and Mullins (2011: p. 29) is based on international law: "any action that violates international public law, and/or a states' own domestic law when these actions are committed by individual

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[2] He also states that this is the reason why there was no Convention on Crimes against Humanity. This fact led to a gap in international law which was not filled until the ICC included crimes against humanity in the Rome Statute.

actors acting on behalf of, or in the name of the state even when such acts are motivated by their personal economic, political, and ideological interests". According to these two scholars, using international law as a basis adds legitimacy to the definition, as well as providing clarity and precision. Notwithstanding that, they admit that it can be criticized because of the fact that, as any law produced by States, international law is the result of a political process, and therefore, as suspect as any other body of law.

Be that as it may, a large number of scholars defends that atrocity crimes are always (Rothe and Mullins, 2006; Balint, 2012; Alvarez, 2001; Scherrer, 1999) or, at least, often (Smeulers and Haveman, 2008; Balint, 2008) committed by states, which leads to the conclusion that atrocity crimes are always or, at least, often state crimes. Although these scholars accept that not all branches and agencies of a state are always actively complicit in the planning and perpetration of state crimes, they believe they are crimes committed "in the name of the state", utilising state or state-like institutions, and committed as part of state or emerging state policy (Alvarez, 2010; Balint, 2012).

Alvarez (2010: p. 41), one of the most prominent defenders of this point of view, contends that states are uniquely suited to engage in violent action in pursuit of some end. This would be so, because states create popular perceptions of right and wrong, and they often attempt to legitimize their destructive actions by enacting laws that support their policies. Furthermore, as a form of power crime, Alvarez (2010: pp. 41-42) describes atrocity crimes as an extreme example of the asymmetry of power, since it invariably involves powerful states targeting relatively helpless and vulnerable minorities. He further explains that the victims are often members of small and marginalized social groups that have a history of persecution and are therefore more easily victimized than other groups. Scholars who defend that atrocity crimes are always

or often state crimes use examples such as the Holocaust, the Armenian genocide, the atrocities by the Khmer Rouge in Cambodia, or the Rwandan genocide.

In contrast, another important group of scholars (Werle and Burghardt, 2012; Osiel, 2010; Karstedt, 2012; Gerlach, 2006; Straus, 2001; Levene, 2005; Bassiouni, 2013) defends that, even if international law has traditionally been state-centred, mass violence is no longer perpetrated only by states or other territorially organized entities. The conflicts of Democratic Republic of Congo, Uganda, Central African Republic and Darfur constitute a clear example of crimes attributed to entities that cannot be described as states (neither as state-like). In the aforementioned cases, different groups of perpetrators – ranging from state government forces to militias – are involved, and they engage in complex and shifting alliances (Karstedt, 2012). Therefore, it is often difficult in practice to distinguish which crimes have been initiated by the state (or a state-like actor) and which by groups of individuals, such as rebel groups. In any case, organized violent actors (such as paramilitary groups) become increasingly involved, whether encouraged and organized by state actors or by other powerful actors (Karstedt, 2012). Apart from the state, the following constitute some of the other important actors in the international field: militias and paramilitary units, terrorist groups, criminal networks, political parties, and private security firms (Werle and Burghardt, 2012).

It has long been agreed that the Third Reich was a "bureaucracy of murder" (Osiel, 2010: pp. 110-111), and that the "Final Solution" was "generated by bureaucracy true to its form and purpose" (Bauman, 1989: p. 17). However, as Osiel (2010: p. 112) explains, cases of mass atrocity "often depart conspicuously from the rational orderliness, desanitized precision, and efficiency suggested by the bureaucratic, "organization man" account". Not only is the spontaneous initiative of low-level

perpetrators a fact, but also, and most importantly, many of the most recent atrocities reveal a more informal, unsystematic, and decentralized character (Osiel, 2010).

In the same vein, Karsted (2012) aims to raise awareness on the changes in the nature of atrocity crimes (see also Gerlach, 2006; Straus, 2001). She explains that, owing to the influence of the Holocaust, atrocity crimes have been framed as committed by a single perpetrator group – a national or ethnic group which seized state power – against a targeted single victim group". That is the reason why criminologists currently explain atrocity crimes as state crimes. However, she believes that modern atrocity crimes detach themselves from previous ones, mainly from the Holocaust[3].

Referring to the non-western military organization, Osiel (2010: p. 116) defends that the "formal organization on the Western bureaucratic model is sometimes unnecessary to coordinate an effective fighting force whose members are already united by years of the intimate interaction". This can be due to the fact that they all grew up together in a single village or nearby villages of common tribal affiliation. Due to the mutual trust among these fighters, lines of *de facto* authority permit a fast adaptation to immediate contingencies without detailed orders from superiors, because organization in combat arises instead from their camaraderie and other elements of "social capital" (Osiel, 2010). In other words, they coordinate spontaneously in response to their comrades' immediate signs, "which are often unobservable (much less intelligible) to outsiders" (Osiel, 2010: p. 116).

Thus, bureaucracies are not the only way in which leaders can exercise enormous influence over subordinates during mass atrocities. Informal networks which are based

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[3] She bases her work on the concept of "extremely violent societies" by Gerlach, because she believes it addresses three problems of atrocity crimes research.

on the so-called "weak ties" can be as powerful as (or even more powerful than) bureaucracies to produce collective violence (Ambos, 2011; Osiel, 2009 and 2010). These new models of the dynamics of mass atrocity are more complex, but they represent better the factual configurations of most of this type of crimes (Osiel, 2010).

The aim of Osiel's explanation on modern non-western military organizations is to question whether Roxin's theory of "domination over an organizational apparatus" is suited to address the more informal and unsystematic atrocities which nowadays take place. He affirms that Roxin devised his approach with the Third Reich in mind, trying to justify the punishment of civil servants who were part of a system completely subordinated to a totalitarian executive. In contrast, in the not so all-powerful "failed states" of central Africa, it is difficult to accept that there was any "ordinary course of events", because "from one day to the next, no one may know which "big man" may next become top dog, however fleetingly, among an array of contending warlords, for instance" (Osiel, 2010: p. 122). However, he contends that, although the state may have failed, the rebel groups opposing it often have not. The leader of such an armed group may indeed exercise greater power over the subordinated child soldiers than did "Eichmann in relation to the camp guards who would murder those he ordered sent to Auschwitz" (Osiel, 2010: pp. 122-123). Therefore, he convincingly explains how Roxin's theory can apply to mass atrocities conducted both by totalitarian states and by insurgent groups within failed states. The aforementioned weak-ties can enable the automatic functioning of organizations which constitute Organized Power Structures.

II. Aetiology of atrocity crimes: multiple causes at different levels

The first studies on the aetiology of international crimes focused on the causes at merely one level, mainly at macro level (regarding states and their international relations), since historians, political scientists and sociologists were the first to address this phenomenon. Criminologists have also conducted interesting research on the causes of atrocity crimes at meso (organizational) and – mainly – micro (individual) level ever since.

Another way to put this is the struggle between the situationist and the voluntarist approach when explaining atrocity crimes (Foster, 2010; Harrendorf, 2014). While situationist approaches focus on causes at macro and meso level, voluntarist approaches are based on the micro level. To put it briefly, the situationist approach relies on Hannah Arendt's claim of the "banality of evil" and on Milgram's experiments on the "obedience to authority" (Foster, 2010). In contrast, the voluntarist approach takes as a starting point the hypothesis that perpetrators are brutal men who use violence to pursue their goals – it also includes the hypothesis that perpetrators of international crimes are psychopaths – (Foster, 2010). Whereas situationists defend that ordinary people turn bad due to the context and describe the perpetrator as a victim of circumstances created by others – this has been used as a basis for the attempt to establish the legal defence of "merely following orders" –, voluntarists belief that bad actions emanate from bad things inside the individual perpetrators, such as hatred, extreme masculinity, psychopathy, etc. (Foster, 2010).

However, a large number of scholars have drawn attention to the urge of combining different theories into a multi-level approach of atrocity crimes (Smeulers and Haveman, 2008; Rothe and Mullins, 2008; Foster, 2010; Alvarez, 2010). Considered

alone, none of the theories achieves to fully explain the dynamics of mass atrocity. Continuing with the struggle between situationist and voluntarist approaches, the first approach's almost complete withdrawal of agency constitutes a problem, without forgetting that it defends that it could potentially be anyone depending on the circumstances, albeit it is actually not just anyone (there are people who under the same circumstances do not become perpetrators) (Foster, 2010; Harrendorf, 2014). But the second does not explain how people can be simultaneously victim and perpetrator (Foster, 2010).

As a consequence, Foster (2010) suggests an alternative approach which is based on a relational model. Instead of choosing between the option that perpetrators are engulfed by powerful pressures or that they are "willing executioners", he affirms that the origins of violence are found in the constellation of relations between individuals, groups and ideologies.

Foster's theory is just one of the theories which proclaim the combination of factors at different levels in order to explain atrocity crimes. Due to the fact that Rothe and Mullins (2008: pp. 137-143; Rothe, 2009: pp. 101-113) have presented one of the most comprehensive theories in this field, the present research is based on such "integrated theory". Thus, international crimes will be studied at four different levels: the international community, the state, the group, and the individual. Before analysing the causes of atrocity crimes at each of the levels of study, the "Multi-level Integrated Theory of Supranational Crimes" by Rothe and Mullins needs to be briefly described.

II.1. "Multi-level Integrated Theory of Supranational Crimes" (by Rothe and Mullins)

In their "Multi-level Integrated Theory of Supranational Crimes", Rothe and Mullins (2008: pp. 137-143; Rothe, 2009: pp. 101-113) study four catalysts – motivation, opportunity, constraint and control – at four different levels of analysis: international (macro), national (macro), organizational (meso), and individual (micro) level. They suggest examining the effects of the four catalysts at the four levels of analysis.

Motivation is the first catalyst that they study, and it refers to the constellation of general and specific drives that attract individuals or groups toward offending (Rothe and Mullins, 2008; Rothe, 2009). It should not be confused with *mens rea* or intent, since the intent of an action differs from the motivating factors that are applicable at different levels of analysis (Rothe, 2009). Whereas motivation is a force that drives to commit a crime and can be studied at the four levels of analysis, intent is specific at the individual psychological level (Rothe, 2009). Although there are general motivating factors (such as the marginalization of a specific group), there can also be a wide variety of specific individual motivations (such as revenge or economic gain) within a group (Rothe and Mullins, 2008; Rothe, 2009).

With regard to *opportunities*, they represent social interactions where the possibility for a crime to be committed emerges and it presents itself to a motivated offender (Rothe and Mullins, 2008; Rothe, 2009). Even if motivation is present, without opportunity, the crime will not be committed. At international level, the failure to act by international or local bystanders facilitates the creation of opportunity (Rothe and Mullins, 2008; Rothe, 2009). At macro level, being a state raises the ability to create criminal opportunity, and

the desire to resort to illegal means increases when the legal means to achieve the goals are absent, blocked or constraint (Rothe and Mullins, 2008; Rothe, 2009). As for meso level, the opportunity of specific actors depends on the larger organizational culture (Rothe and Mullins, 2008; Rothe, 2009).

The social elements that make a crime riskier or less successful are known as *constraints*. Alike controls, constraints are not expected to fully control or block criminogenic behaviours; nor do they act to penalize criminals (Rothe, 2009). In contrast, "they serve as potential barriers before or during an act" (Rothe, 2009). States are often in a unique position to neutralize the power of such constraints: States can even neutralize international pressure by saying the crimes are committed by "insurgent activity" or "militias", and thus, government-sponsored organizations are not limited by potential constraints of the population or foreign involvement (Rothe and Mullins, 2008; Rothe, 2009).

Lastly, *controls* completely block an act or they inevitably punish it criminally after being committed (Rothe and Mullins, 2008; Rothe, 2009). They usually adopt the form of formal social controls that can act as deterrents or provide liability, punishment or sanctions (Rothe and Mullins, 2008). Owing to the social integration and position of most individuals who commit international crimes, deterrence based on existing laws should be more effective with regard to them in comparison with ordinary criminals (Rothe, 2009). However, because of the power and control that militia leaders possess, the crimes committed by them will not be deterred by the existing law. Therefore, deterrence will only serve as a control if the ICC continues to prosecute this type of crimes (Rothe and Mullins, 2008; Rothe, 2009).

Rothe and Mullins conclude that, although important theoretical issues operate at different levels of analysis, the crime is still committed by an individual social actor after a decision to offend has been made. Crimes have multi-level causes – for example, in most of the cases the offender is part of an organization –, but the specific criminal conduct is individualized in its commission after an individual, although bounded, decision (Rothe, 2009). Thus, they suggest examining each of the four catalysts at the different levels of analysis, because the levels above the micro level affect the individual decision-making process of whether or not to offend.

II.2. Causes at Macro, Meso and Micro Level

The levels regarding the international community and the state will be both studied at *macro level*. By way of example, the lack of social control mechanisms and enforcement at international level, that is to say, the lack of international law and international sanctions, will be mentioned among the factors that play an important role in the commission of atrocity crimes. Moving on to the factors which belong to the national level (but still at macro level), phenomena like social disorder or ideology will be analysed.

Since atrocity crimes are manifestations of collective violence (Gupta, 2001; Smeulers and Grünfeld, 2011a) and thus a form of group crime (Smeulers and Haveman, 2008), the organizational or group-context (*meso level*) in which these crimes take place also needs to be addressed. Social-psychological research on the influence of groups on individuals has shown that groups have a deep effect on the acts, ideas and behaviour of their members. Those who join and submit themselves fully to the group often submit their own norms and values to those of the group (Smeulers and Haveman, 2008), and

their individual identity is submerged into a collective identity (Gupta, 2001; Tajfel, 1982; Staub, 2003).

Furthermore, the studies on conformity by Asch and the studies on obedience by Milgram show the difficulty to grow apart from the group. The first studies proved that the pressure to conform is very strong (Waller, 2002; Baum, 2008; Alvarez, 2001; Smeulers, 2008; Kressel, 1996), while the second ones focused on the natural tendency of individuals to obey orders (Alvarez, 2010; Foster, 2010; Baum, 2008; Waller, 2002; Chirot and McCauley, 2006; Valentino, 2004; Mann, 2005; Kressel, 1996). Together with the phenomena of conformity and obedience, professional socialization – regarding extreme training programs of perpetrators – will be studied in Section IV of this article. Deindividuation and diffusion of responsibility among group members will also be analysed at meso level, since people tend to feel less responsible for their individual acts within large groups – what influences their inclination to commit crimes –.

With regard to the analysis at *micro level*, it deals with the individual who is involved in atrocity crimes, in other words, with the perpetrator. Notwithstanding that individuals are usually exposed to similar influences at macro and meso level, perpetrators of international crimes still differ in the reasons or motivations to commit such crimes (Smeulers, 2008; Valentino, 2004; Straus, 2006); therefore, the analysis of atrocity crimes at micro level becomes crucial. Thus, Section V of this article includes an analysis of different typologies of perpetrators, and due to its comprehensiveness, it endorses Smeulers' typology of perpetrators of international crimes. As general as it may be, Smeulers' typology provides a useful basis to understand the role and the kind of acts that each type of perpetrator usually performs in atrocity crimes.

The massive involvement of otherwise law-abiding citizens in atrocity crimes is a charasteristic – and at the same time, disconcerting – feature. One of the main features of this type of crimes is that most perpetrators – except from the top-level and some lower-rank perpetrators – commit crimes of obedience rather than acts of deviance (Smeulers, 2008). As Smeulers and Haveman (2008) explain, the concept of crimes of obedience does not necessarily require that perpetrators act after receiving direct orders, but instead that they live in a specific context where authority seems to support and legitimize the crimes. Therefore, most perpetrators of atrocity crimes differ from ordinary perpetrators, and this makes it difficult for theories from mainstream criminology to apply to atrocity crimes (Smeulers, 2008).

For instance, theories which focus on physical or mental deficiencies or on a failed socialization are of limited use to explain the commission of atrocity crimes, since they fail to explain why so many otherwise law-abiding people get involved in periods of collective violence (Waller, 2010; Smeulers, 2008; Alvarez, 2010; Harrendorf, 2014). Albeit that these theories are not widely applicable to perpetrators of international crimes, they can still be helpful to understand the behaviour of certain types of perpetrators, like top-level perpetrators (the "criminal mastermind" in Smeulers' typology) and those who resemble ordinary perpetrators (the "criminal/sadist" in Smeulers' typology) (Smeulers and Haveman, 2008). In any case, theories which are based on the effect of specific social contexts – such as social-learning theories, theories which focus on differential association and neutralization techniques – prove to be far more useful when addressing the aforementioned phenomenon (Smeulers and Haveman, 2008). In a similar sense, due to the fact that, standing alone, none of the theories from mainstream criminology can explain atrocity crimes, Rothe (2009) suggests an integrated theory which offers a more comprehensive explanation.

III. Macro level: international and national context

One of the main – and most disturbing – characteristics of atrocity crimes is the massive involvement of ordinary citizens in their commission. As it has already been stated, the massive involvement of citizens cannot be explained in terms of mental disorder. To put it simply, too many people get involved in international crimes, and they cannot all be insane (Alvarez, 2010; Smeulers, 2008; Waller, 2010; Harrendorf, 2014). As difficult as it may be to accept that those who commit such heinous crimes are not psychopaths, sadists or mentally ill, the truth is that they are ordinary people who do not differ from the normal and average person (Chirot and McCauley, 2006; Charny, 1982; Smeulers and Grünfeld, 2011c). As Waller (2002 and 2010) puts it, they are ordinary people, "like you and me". They are ordinary people who under ordinary circumstances would obey the law (Smeulers and Grünfeld, 2011c; Harrendorf, 2014). The previous sentence contains the key element to understand why so many otherwise law-abiding citizens get involved in atrocity crimes: as Smeulers (2008) affirms, this kind of crime takes place in "extraordinary circumstances".

These "extraordinary circumstances" constitute the crucial difference: perpetrators of international crimes are "ordinary people within extraordinary circumstances" (Smeulers, 2008). Atrocity crimes are usually committed in a context of collective violence (Smeulers, 2008). On a macro perspective, the circumstances and conditions which precede periods of atrocity crimes need to be studied. It has been proved that states which endure episodes of atrocity crimes previously undergo periods of political turmoil, rapid changes, difficult life conditions, revolutions, civil wars, *coup d'états*, dictatorial regimes, wars on terror, etc. (Smeulers, 2008; Harff, 2003; Fein, 1993a; Straus, 2006; Alvarez, 2001). However, the means by which collective violence periods affect individuals need to be addressed as well.

Collective violence periods share the following features (Smeulers, 2008: pp. 235-236):

1) The massive involvement of people.

2) The progressive use of violence, which means that atrocity crimes do not appear from one day to another; instead, it is the consequence of an escalation period in which individuals get trapped in what Staub (1989) called a "continuum of destructiveness".

3) Violence against one specific group which is blamed for the misfortune of the masses. The specific group which is victimized is often identified with the wealthy or powerful class, the intellectuals, the privileged minorities, or with those who represent the regime which is about to be or has been overthrown. As a result, the masses see their fight as a justified war against unfairness, totalitarism, oppression and corruption.

4) An alleged legitimacy of violence, which is provided by an ideology. Ideology not only incites and instigates violence, but it also offers justification-mechanisms (such as neutralization techniques) to the masses.

During collective violence periods, every individual has to make a choice: they either go along with or they grow apart from the group (Charny, 1982). The effect of conformity and obedience on individuals will be analysed at meso level; however, it is worth mentioning now that they constitute a major obstacle for individuals to grow apart from the group to which they pertain. Due to this combination of factors at macro and meso level – without underestimating the factors which operate at micro level – during collective violence periods, individuals get trapped and they change slowly and gradually (Smeulers, 2008; Waller, 2010).

In the aforementioned description of the main features of collective violence periods, some of the most important factors which operate at macro level have already been outlined; however, they will now all be structurally analysed following the integrated theory of atrocity crimes by Rothe and Mullins.

III.1. Controls

First, regarding controls, either their lack or their failure to apply is a common characteristic of atrocity crimes. At international level, it should be understood as the lack or failure to apply of international law and international sanctions, whereas at state-level, it means that state-law and sanctions fail to apply when the state itself is somehow involved in the commission of international crimes (Rothe and Mullins, 2008; Rothe, 2009).

III.2. Constraints

Second, in a similar vein, constraints are usually lacking (or they are very weak) at both international and national level when atrocity crimes are committed. At international level, international reaction, political pressure, condemning public opinion, and opposing INGOs or NGOs are either missing or they are weak (Rothe and Mullins, 2008; Rothe, 2009). Similarly, at state-level, political pressure, media scrutiny, opposing public opinion, opposing social movements and rebellions are either missing or they are weak (Rothe and Mullins, 2008; Rothe, 2009).

Studies which focus on the relation between regime type and the perpetration of atrocity crimes should be included here. These studies suggest that atrocity crimes are more

likely within authoritarian and non-democratic regimes (Hiebert, 2008; Harff, 2003; Kressel, 1996; Fein, 1993a; Horowitz, 1980). Since not all totalitarian states have perpetrated atrocity crimes, these studies cannot be understood as establishing a causal relationship between authoritarian regimes and atrocity crimes; instead, they show that there is a correlation between these two phenomena, in the sense that it is more likely for atrocity crimes to take place within authoritarian regimes. The reason for that lies in the fact that macro-level constraints are usually missing in authoritarian regimes, since they normally brutally oppress opposing public opinion, social movements or rebellions (Kressel, 1996).

III.3. Motivations

Third, the main motivations at international and state-level can be divided into four groups: economy, politics, ideology, and "us-them thinking".

III.3.1. Economy

In the economic arena, global economics need to be taken into account. For instance, post-colonial African economies depend mostly on exportation; therefore, fluctuations and collapses in specific product markets can have radical effects on national economies (Rothe and Mullins, 2008). Since their markets are less diversified than Western and Asiatic countries, the decrease in the value of a given product generates serious damages in their economies, such as the situation in Rwanda after the collapse of international coffee markets (Rothe and Mullins, 2008; Gupta, 2001; Staub, 2003). During such economic lapses, individuals, especially those who are involved in the production of the commodity, are more motivated toward criminal conduct – and social disorder and the illegitimate opportunity structures provide the opportunity to do so – (Rothe and Mullins, 2008; Gupta, 2001; Staub, 2003; Straus, 2006; Mann, 2005).

III.3.2. Politics and Ideology

Concerning politics and ideology, elites are aware of and exploit the potential of ideology in order to facilitate the commission of atrocity crimes, with the final aim of achieving their political and ideological interests. Scholars refer to the effect that extreme exclusionary and dividing ideologies have in motivating and facilitating the commission of atrocity crimes (Alvarez, 2008 and 2010; Harff, 2003; Fein, 1993b; Du Preez, 1994; Staub, 2003; Kiernan, 2003).

Alvarez (2008 and 2010) defines ideology as a system of shared ideas, values, and symbols which help people understand the world surrounding them. Ideologies provide the intellectual framework of understanding which is necessary to define the world and ourselves as individuals and as groups (Alvarez, 2008). In short, ideologies tell us who we are (Alvarez, 2008; Foster, 2010). Van Dijk (1998: pp. 69-70) suggests that ideologies have the following basic structure:

1) Membership: it defines who is a member and which the requisites for membership are.
2) Activities: they refer to the kinds of behaviours which are acceptable and expected.
3) Goals: they represent the purposes of the group in terms of what it hopes to achieve.
4) Values/Norms: they prescribe what is permitted and prohibited (right and wrong).

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5) Position and Group Relations: it refers to the distinction between friends and enemies.

6) Resources: needs and attributes of a particular group.

Therefore, apart from providing identity, ideologies also provide meaning and purpose (Alvarez, 2008). They are not mere abstract symbols and ideas; but, instead, they also manifest in behaviour (Alvarez, 2008). Due to the fact that they can mobilize populations into action, leaders make extensive use of them in order to motivate individuals into the commission of atrocity crimes.

III.3.3. "Us-them thinking"

Ideology is closely related to the so-called "us-them thinking" (Staub, 1989 and 2003; Waller, 2002 and 2010; Rothe and Mullins, 2008; Gupta, 2001; Kressel, 1996). Waller (2002 and 2010) includes the mechanism known as "us-them thinking" within the explanation of the psychological construction of the "other", where he analyses how victims of atrocity crimes become the targets of the crimes of the perpetrators. He studies three mechanisms: 1) "us-them thinking"; 2) moral disengagement; and 3) blaming the victims. However, since the last two pertain to the catalyst of opportunity – not motivation –, they will be explained when dealing with such catalyst.

"Us-them thinking" provides the capacity to see one's own group as superior to all others, and it can lead to being reluctant to recognize that members of other groups deserve equal respect (Staub, 2003; Kressel, 1996; Gupta, 2001; Waller, 2002 and 2010). Social exclusion and atrocity crimes are not an inevitable consequence of us-them thinking, but once identified with a group, exaggerating differences becomes

easier and it can lead to believing "kill or be killed" (Gupta, 2001; Waller, 2002 and 2010). Although colonizers created arbitrary divisions among people – for example, in Rwanda or Burundi –, after African states became independent, those tensions were hardly visible in society (Rothe and Mullins, 2008; Gupta, 2001). However, following a period of political instability favoured by the hyper-plurality of political parties which were based on geographical divisions, a number of *coup d'états* established one-party states (Rothe and Mullins, 2008). These one-party states – such as the ones in Rwanda, Cote D'Ivoire or Sudan – exacerbated existing ethnical divisions in order to establish and maintain power and political stability (Rothe and Mullins, 2008; Gupta, 2001).

III.4. Opportunities

Fourth and last, opportunity needs to be addressed at international and state-level. Whereas international opportunity mainly consists in economic and military supremacy and international relations, the following are some of the most important opportunities at state-level (Rothe and Mullins, 2008; Rothe, 2009):

1) Ideology, propaganda, and control of information.
2) Social disorganization.
3) Military capabilities, and availability of illegal means.

As the reader might have noticed, ideology operates both in the field of motivation and opportunity, and at both international and state-level. As an opportunity, ideology is closely related to the leaders' use of the media. The control of information and the control over the media enable leaders to develop propaganda aimed at targeting one or various specific groups. Apart from the extensive use of anti-Semitic propaganda by the Nazis, Rwandan genocide is also well-known for the hate speeches pronounced by the

media, going as far as reading lists of Tutsis – with their addresses – that should be attacked (Gupta, 2001; Kressel, 1996; Staub, 2003).

With regard to social disorganization, political instability and ethnic tensions constitute main features of the scenarios preceding most African conflicts (Harff, 2003; Straus, 2006; Alvarez, 2001; Rothe and Mullins, 2008; Smeulers, 2008). African history consists of numerous cases of *coups d'état* and counter-coups. This is due to the fact that many of the recently formed African states "entered the world community with underdeveloped and ill-functioning social institutions and patterns of social organization" (Rothe and Mullins, 2008). Political instability brings the decrease of constraints and controls at macro level: national law and law-enforcement does not operate in an acceptable way anymore, and it becomes a tool to reach the interests of social elites and to halt political opponents (rather than focused on basic criminal control) (Rothe and Mullins, 2008). As for ethnic tensions and divisiveness, ethnical divisions – which some leaders have purposefully exacerbated in order to maintain power and political stability – are also a common feature of most African conflicts (Rothe and Mullins, 2008; Kressel, 1996; for an opposite view, see Valentino, 2004; Staub, 2003).

Even if Rothe and Mullins place justifications and rationalizations of criminal conduct at micro level (in the opportunity catalyst), some of them operate at macro level, since they are produced and provided by leaders to the whole society, specially to low- and mid-level perpetrators. The following are two of these justifications and rationalizations which operate as opportunities at macro level:

1) Moral disengagement: it refers to the process of detachment by which elites place some individuals or groups outside the limit in which moral values,

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rules and considerations of fairness apply (Alvarez, 2010; Staub, 2003; Waller, 2002 and 2010). There are many disengagement mechanisms which perpetrators use to make their conduct acceptable: portraying it as serving socially worthy or moral purposes, and most importantly, dehumanization of the victims (including the use of language to redefine the victims). The dehumanization of Tutsis by Hutus in the Rwandan genocide has often been portrayed as an example of facilitating political and economic subordination as well as wanton violence and destruction (Kressel, 1996; Rothe and Mullins, 2008; Alvarez, 2010). Leaders have also made use of several euphemisms – such as "final solution", "special treatment", "cleansing", "clearing the bush", etc. – in order to make atrocities seem more acceptable (Alvarez, 2001; Gupta, 2001; Kressel, 1996; Waller, 2002; Kelman, 1973).

2) Blaming the victims: the need to believe in a just world overwhelms our recognition that bad things can happen to good people, and as a consequence, it is often assumed that victims deserve their fate (Staub, 2003; Waller, 2002 and 2010; Alvarez, 2010). Human beings rearrange their perception of people so that it seems everyone has what they deserve, and thus, perpetrators believe that victims are suffering because they have done "something", are somehow inferior or dangerous, or because a higher cause is being served (Staub, 2003; Waller, 2002 and 2010; Alvarez, 2010).

As relevant as factors at macro level may be, the elements at meso and micro level are as important in order to fully understand the aetiology of atrocity crimes. As Waller (2010) says, even if resisting the effect of such influences requires a certain degree of individual strength, some people do resist; indeed, in the process of committing atrocity crimes, there are many choice points for each perpetrator. In a similar vein, Smeulers

(2008) affirms that individuals differ in the ways and reasons why they take part in atrocity crimes, and thus, the factors referring to collective violence periods (mainly at macro level) cannot explain the conduct of each of the perpetrators of international crimes. That is the reason why Smeulers groups the perpetrators in different categories – according to factors at micro level – and she suggests her typology of perpetrators, which will be analysed in Section V.

IV. Meso level: groups

Some of the factors which operate at meso level have already been mentioned – such as obedience to authority or conformity –, but they will all be analysed below following the integrated theory of atrocity crimes by Rothe and Mullins.

As for *controls*, internal controls and codes of conduct are usually missing or they fail to apply when atrocity crimes are committed (Rothe and Mullins, 2008; Rothe, 2009).

Similarly, *constraints* pertaining to meso level – internal oversight, communication structures, and traditional authority structures – are either missing or they are very weak (Rothe and Mullins, 2008; Rothe, 2009).

Regarding *motivation*, organizational goals, leadership pressure and reward structures constitute different factors that can motivate criminal conduct at meso level (Rothe and Mullins, 2008; Rothe, 2009). Although obedience to authority could be identified with leadership pressure (and thus, should be considered a motivation), it fits better into opportunities.

Moving on precisely to *opportunities* at meso level, means availability and economic support need to be taken into account (Rothe and Mullins, 2008; Rothe, 2009). More

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importantly, the factors known as organizational structure, role specialization and separation of consequences play an important role at meso level (Rothe and Mullins, 2008; Rothe, 2009). This last group of factors constitute what others call deindividuation and diffusion of responsibility (Staub, 1989; Waller, 2002 and 2010; Alvarez, 2001 and 2010; Smeulers and Grünfeld, 2011b). Waller (2010) explains these phenomena in relation with group identification, and he describes the last as one of the three mechanisms that enable the social construction of cruelty. The social construction of cruelty makes perpetrators believe that everyone is capable of doing what they do, and it enables perpetrators to initiate, sustain, and cope with their cruelty (Waller, 2010).

IV.1. Diffusion of Responsibility and Deindividuation

Concerning contexts which promote diffusion of responsibility and deindividuation, bureaucratic organization and routinization of bureaucratic subroutines – to put it in plain language, the segmentation of the killing tasks – are central in achieving diffusion of responsibility, since they entail a division of labour which reduces the identification of perpetrators with the consequences of their conduct (Smeulers, 2008; Gupta, 2001; Kressel, 1996; Waller, 2002 and 2010; Alvarez, 2001 and 2010; Staub, 2003). Bureaucratic organizations also provide a relative anonymity in which a person can only be identified as a group member – not as a particular individual –; in other terms, it provides deindividuation (Waller, 2002 and 2010; Alvarez, 2001 and 2010; Staub, 1989 and 2003).

Rothe and Mullins (2008) place the diffusion of responsibility as an opportunity at micro level; however, due to the fact that it is unimaginable without the existence of a group or organization, it seems better to analyse them at meso level. The same is

applicable to other factors which Rothe and Mullins identify as opportunities at micro level, such as obedience to authority, group membership or group think. These factors which operate at meso level are craftily exploited by top-level perpetrators.

IV.2. Obedience to Authority

Obedience to authority has already been outlined as one of the factors which restrict the ability to grow apart from the group. People want to feel good about themselves, and when they start to act against their own norms and values, they feel bad and guilty, and the feeling known as "cognitive dissonance" – coined by Festinger (1962) – appears (Smeulers, 2008; Alvarez, 2010; Chirot and McCauley, 2006). Rationalising and justifying one's own conduct is a natural reaction to this feeling (Smeulers, 2008; Chirot and McCauley, 2006). This natural justifying tendency is a crucial defence mechanism to prevent people from becoming mentally ill, but it can also be a psychological trap by which perpetrators are caught up in their own defence mechanisms during collective violence periods (Smeulers, 2008; Chirot and McCauley, 2006). A slow, gradual and progressive involvement, together with such natural defence mechanisms, makes it more difficult for people to stop and get out once the first step has been made (Alvarez, 2010; Waller, 2002; Staub, 1989 and 2003; Kressel, 1996).

In this field, the studies on obedience by Milgram (1974) are already well-known. Not only did these studies show that people have a natural tendency to obey authority – even when authority orders them to perform acts which are totally opposed to society's norms and values –, but they also proved the relevance of getting progressively involved in something (Harrendorf, 2014). As Smeulers (2008) explains, the continuum of destructiveness was recreated in Milgram's experiments. The experiment was supposed to be a study on memory: the subjects of the study had to read a list of words

which another individual (the learner, who was in fact a confederate of the experimenter) had to repeat, and the experimenter ordered the subjects to give a shock to the learner (the confederate) with every wrong answer they gave.

The experiment started with a low 15-volt shock, but with each wrong answer the voltage was upgraded by 15 volts, until the highly dangerous 450-volt shock. After the shock level of 150 volts, the learner started to complain and told the subject of the experiment that they no longer wanted to continue with the experiment. But when the subject of the experiment told the experimenter that the learner did not want to continue, the experimenter used a specific set of lines (consisting of four prods) to convince the subject of the experiment to continue:

1) "please continue";
2) "the experiment requires that you continue";
3) "it is absolutely essential that you continue"; and
4) "you have no other choice, you must go on".

The aim of the experiment was to find out how many subjects reached the 450-volt maximum with the knowledge that it was extremely dangerous – the indications of the shock generator were from left to right: slight shock; moderate shock; strong shock; very strong shock; intense shock; extreme intensity; danger: severe shock –.

Back to the idea of the continuum of destructiveness, Smeulers (2008) affirms that Milgram would have never obtained the same results if he had asked the 450-volt shock right from the start. She further explains that the subjects in this experiment were trapped in their own psychological trap, since the further they went along with it, the more nervous they became and the more cognitive dissonance they felt (see also

Smeulers and Grünfeld, 2011b). Finishing the experiment would mean accepting that they had been wrong for quite some time before they took the decision to halt (Smeulers, 2008). She is right when she points out this idea, because the more individuals become involved in atrocity crimes, the more difficult it is to stop and face their own conscience and accept their own mistakes (Smeulers and Grünfeld, 2011b; Waller, 2002; Staub, 1989 and 2003; Kressel, 1996).

IV.3. Conformity

Conformity has also been mentioned as another factor which makes it difficult to depart from the group. What Rothe and Mullins call group think or group membership can actually be identified with conformity. Human beings are social animals who have been raised to obey authority and behave in conformity with social norms and values (Smeulers, 2008). It seems, indeed, human beings have a natural tendency to do so (Smeulers, 2008). We look for the company and acceptance of others, but, in turn, we must conform to the standards of others and to general social norms (Smeulers, 2008). This is the reason why it is so difficult to distance oneself from the group.

The studies on conformity by Asch are of extreme relevance in this field. In his experiments, Asch wanted to see to what extent individuals let themselves be influenced, "by testing how they would react when confronted with a majority opinion around them which contradicted their own opinion" (Smeulers and Grünfeld, 2011a). Allegedly, the experiment studied visual judgment: the subjects were placed in groups of seven or nine men in order to compare the length of three lines which were shown to them on a card, and the subjects had to say which of the three lines was the same in length as the line shown on another card. All men had to give their opinion one after

another, and the real subject was always the last in line to respond. Except from the real subject, the rest of the members of the group were confederates of the experimenter who had agreed to give wrong answers at certain points.

The experiment showed that in 36.8% of the cases the subjects gave the wrong answer, whereas under ordinary circumstances (when the individual was not confronted with a majority opinion) only 1% of the answers were wrong (Smeulers and Grünfeld, 2011a; Kressel, 1996). While one quarter of the subjects never changed their opinion despite the majority which confronted them, various subjects always conformed to the majority opinion, and others yielded sometimes (Smeulers and Grünfeld, 2011a; Kressel, 1996). The conformist influence of the group is clearly shown in this experiment – although it also proved that not everyone is equally influenced by peer pressure –. In short, individuals change their opinion merely because they differ from what the majority of the group thinks (Smeulers, 2008).

IV.4. Extreme Training Programs and Professional Socialization

Another important factor which constitutes an opportunity at meso level lies in the extreme training programs that some perpetrators of international crimes endure. The training at the torture school during the Greek colonels' regime is often used as an example of an extreme training program to commit atrocities such as torture. Recruits were carefully selected from Greece's regular army, and they were deliberately trained to become torturers at KESA training centre (Kressel, 1996; Smeulers and Grünfeld, 2011a). The method used was one of carrots and sticks: while they endured constant abuse and humiliation, they were constantly told that they were members of an elite corps and that only the best would make it, that once they became full members they would enjoy respect, status and many economic advantages. As a result of this extreme

training, recruits are de-individualized and de-personalized, they lose their own will and will-power, and they unquestioningly obey orders (Kressel, 1996; Smeulers and Grünfeld, 2011a; Alvarez, 2010). They get used to the continuous violence which surrounds them, which leads to their desensitizing and brutalizing (Kressel, 1996; Smeulers and Grünfeld, 2011a; Alvarez, 2010).

The extreme training programs are related to professional socialization. Typical from military or paramilitary organizations, professional socialization often entails a sequence of seemingly small, but incremental steps (Waller, 2010). This process of escalating commitments often involves a "carrot-and-stick" strategy which combines special benefits with threats and punishment for disobedience (Waller, 2010; Smeulers and Grünfeld, 2011a). Another relevant feature of professional socialization lies in the merger of role and person, since it plays a crucial role in internalizing evil and shaping later evil behaviours (Waller, 2002 and 2010).

IV.5. Group Identification

Lastly, group identification – which Waller (2010) includes as a factor that produces the social construction of cruelty – should be addressed as an opportunity at meso level. It is worth mentioning that this factor somehow covers the rest of the factors which have been identified as opportunities at meso level. This emotional attachment to a group – independently from the theme on which they are centred, for example, race, ethnicity, nationality, etc. – can constitute a defining feature of one's personal identity, in the sense that group identification can dominate individual thoughts, emotions, and behaviours (Waller, 2010). This can lead to a "repression of conscience" where the values of other groups are excluded and in-group values dominate (Waller, 2010).

Group identification also influences perpetrators' self-interests, and as it has already been stated, these interests – whether professional (careerism, advancements, etc.) or personal (power, property, etc.) – play an important role in understanding their behaviour. This is the reason why factors which operate at micro level will be explained in Section V.

V. Micro level: individuals

Notwithstanding that perpetrators of international crimes are influenced by factors at macro and meso level, the analysis at micro level is also crucial. For instance, perpetrators differ in their motivations to commit atrocity crimes (Smeulers, 2008; Valentino, 2004; Straus, 2006), and these differences need to be studied at micro level. The aim is not to replace a one-sided perspective which focuses on macro-structures (background conditions which are far away from the situation in which violence actually occurs) with an equally one-sided approach which merely pays attention to situational micro-dynamics (Klusemann, 2012). Indeed, mass violence combines enduring structures or motives (macro perspective) with situational, emotional processes (micro perspective). Furthermore, as it will be explained below, the form and characteristics of violence in atrocity crimes – that is to say, the particular way in which atrocities are committed – are shaped by situational emotional dynamics.

Once the need for a combination of different levels of analysis has been reminded, the four catalysts suggested by Rothe and Mullins (2008) – control, constraint, opportunity, and motivation – can be analysed at micro level.

Regarding *controls,* the commission of international crimes by individuals depends on the existence and efficiency of international and domestic law; therefore, legitimacy of

law, and perception of reality of law application play an important role as controls at micro level (Rothe and Mullins, 2008; Rothe, 2009).

As for *constraints*, the following should be addressed at micro level: informal social controls, personal morality, socialization, and obedience to authority (Rothe and Mullins, 2008; Rothe, 2009). What Klusemann names confrontational tension or fear constitutes another micro-level constraint. Based on Collins' work (2008) on the micro-sociology of violence, Klusemann (2012: pp. 469-470) describes violent situations as "emotional confrontations, full of tension and fear". Referring to this confrontational tension or fear, he explains that it is not easy to carry out violence – especially face-to-face –, and therefore, most people elude its performance or are incompetent at it – even when they have the motivation to do so – (for a similar view, see Alvarez, 2010). The reason for confrontational tension or fear does not lie in a moral aversion against violence or fear of injury; instead, it derives from the difficulty of hurting someone at close range (Collins, 2008; Klusemann, 2012). Thus, it can be described as an interactional tension or fear (Klusemann, 2012).

According to Klusemann (2012), the essential element for the crimes to be actually committed rests on the establishment of emotional dominance over the other side. When one side breaks down – they lose their confidence and internal cohesion, and they become passive or paralyzed –, whereas the other side gains the initiative and confidence to become violent, it is the emotional momentum which enables to overcome confrontational tension or fear (Klusemann, 2012; Collins, 2008). The forms that violence takes are shaped by emotional dynamics: on the one hand, through the emotions that lead to the construction of atrocity crimes (before the atrocity); and on the other hand, through the "emotional field of tension and fear" which continues to operate

even when violence has already been set free (during the atrocity) (Klusemann, 2012; Collins, 2008).

Referring to the first (before the atrocity), Klusemann (2012) argues that recurrent processual patterns precede mass violence in all cases. This process consists of a period of polarization – by which conflict identities are interactionally constructed –, and the establishment of emotional dominance by way of setting fires and destroying buildings and by way of targeting selected individuals or weak victims (Klusemann, 2012). Small-scale violence, rumours about minor atrocities or perceived threats, and provocation by leaders constitute the polarization phase, and they result in the clear division between conflict identities and in the raise of solidarity on each side of the conflict. But this is not enough for mass atrocity to take place: the swift toward mass violence requires that complete emotional dominance over the other party is established (Klusemann, 2012: pp. 472-473).

Complete emotional dominance demands gathering emotional strength, and this is usually achieved by two different means (Klusemann, 2012): 1) acts of destruction (destruction of buildings, setting fires, pillaging, etc.) to build an emotional momentum; and 2) targeting elites or weak victims.

The massacres in Srebrenica and Rwanda show that mass violence is usually preceded by a phase of destruction. Whereas looting and burning are easy to perform as a form of violence against inanimate objects, killing is "interactionally and psychologically much more difficult": complete emotional dominance has to be established first, and violence against inanimate objects contributes to such an establishment (Klusemann, 2012). Targeting elites or weak victims plays a similar role in establishing complete emotional

dominance, and it implies that unlimited emotional dynamics toward mass atrocity have not been released yet (Klusemann, 2012).

Regarding the emotions that operate while atrocities are being carried out, Klusemann (2012) suggests that confrontational tension shapes the forms that violence actually takes. He explains that violence is shaped by situational techniques – such as division of labour in violence or group-killings (even when victims are unarmed) – to evade confrontational tension and to maintain emotional dominance. A dramatic show of force, dispersing victims or increasing distance with them are essential to lower confrontational tension or fear (Klusemann, 2012; Harrendorf, 2014). Similarly, Klusemann (2012) suggests that, rather than reflecting a particular motivation for violence, harassment and shouting ethnic or racial insults during massacres are crucial situational means to overcome confrontational tension or fear and to maintain emotional dominance. He explains that the Srebrenica massacre shows that killing games (which involve humiliation) also serve to keep the emotional arousal alive.

Other important factors to maintain emotional dominance and evade confrontational tension or fear lie in the division of labour during atrocities and killing in groups. The division of labour between those who perpetrate most of the atrocities and those who commit fewer is essential during mass atrocities, since those who commit fewer crimes are emotionally essential for core perpetrators to commit crimes (Klusemann, 2012). The cases of Srebrenica and Rwanda show that large crowds provide emotional energy to most active perpetrators, they help to overwhelm victims emotionally, and they contribute to the creation of the emotional atmosphere which facilitates the killings (Klusemann, 2012).

After having examined how confrontational tension or fear (one of the micro-level constraints) is usually overcome when atrocity crimes are committed, opportunities and motivations at micro level have to be studied.

As it has already been explained, most of the ***opportunities*** which Rothe and Mullins place at micro level – obedience to authority, group think, and diffusion of responsibility – have been analysed at meso level. However, they also include perceived illegal means as an opportunity at micro level (Rothe and Mullins, 2008; Rothe, 2009).

As for ***motivation*** at micro level, Rothe and Mullins (2008) identify different motivations: normalization of deviance, strain, socialization, and individual goals and ideologies. As it has already been stated, there are different typologies of perpetrators of international crimes, and some of them are based on the differences in terms of motivation among the perpetrators. Smeulers' typology (2008) is one of them, and due to its comprehensiveness, it will be studied in depth in the following pages. Her typology identifies different motivations among perpetrators of atrocity crimes, and it is worth mentioning that the motivations outlined by Rothe and Mullins are implied in her classification.

V.1. Typologies of Perpetrators

V.1.1. Different Typologies

Although perpetrators of international crimes are influenced by factors at macro and meso level, they still differ in their reasons or motivations to commit atrocity crimes; hence the importance of typologies of perpetrators. Furthermore, typologies (even if they are based on the different motivations of perpetrators) prove to be helpful in explaining the kind of contribution that each type of perpetrator makes to the commission of atrocity crimes.

There are several typologies of perpetrators which can be useful in determining the type of contribution made by each of them. Beginning with the ones which are based on motivation, Gupta (2001: pp. 111-116) distinguished three types of perpetrators within contexts of collective violence: true believers, driven by ideology; mercenaries, driven by greed; and captive participants, driven by fear. Based on motivation as well, Hilberg (1992) created a typology of perpetrators who took part in the Nazi regime, and he identified the following types: criminal mastermind, bureaucrat, fanatic, sadist, and sceptic. Mann (2005: pp. 27-29) analysed direct executors within ethnic cleansing periods, and he distinguished several groups in terms of motivation: materialistic, careerist, violent, ideological, bigoted, comradely, bureaucratic, threatened, and disciplined.

Following Gupta's typology, Smeulers (2008) groups these nine groups into three main groups:

1) Those who are driven by greed (materialistic, careerist, and violent).
2) Those driven by ideology (ideological, and bigoted).

3) Those driven by fear (comradely, bureaucratic, threatened, and disciplined).

Focusing on tortures, Crelinsten (1993: pp. 64-68) distinguished three types of perpetrators: sadists, zealots, and professionals. Based on roles, rather than motives, Thys (2004) distinguished various types of perpetrators of international armed conflicts: organizers, specialists, and executors. Based on hierarchical position, Ambos (2010a: pp. 165-170; 2010b: pp. 65-78) has suggested that perpetrators who are involved in genocidal campaigns should be divided into three groups: top-level perpetrators, mid-level perpetrators, and low-level perpetrators. Furthermore, he argues that each of these types should be treated in a different way regarding genocidal intent: while the purpose-based approach should apply to top-level perpetrators, the knowledge-based approach should apply to mid- and low-level perpetrators.

Without underestimating the value of the aforementioned typologies, the following pages will be dedicated to Smeulers' typology of perpetrators of international crimes (Smeulers, 2008). The reason for studying in depth her proposal is that it is the most comprehensive one. As she explains, her typology is not limited to a specific situation, period or type of crime or perpetrator; and thus, it is a general typology. It is worth mentioning that she admits that individuals are guided by more than one motive and that they can be transformed from one type into another; thus, her typology is based on the presumed predominance of one motivational factor. Her typology is based on interviews and the reading of ego-documents (letters, diaries, trial statements, and autobiographies), biographies, and case-law.

V.1.2. Typology of perpetrators by Smeulers

Smeulers' typology of perpetrators of atrocity crimes consists of nine categories (Smeulers, 2008: pp. 243-260): 1) the criminal mastermind; 2) the fanatic; 3) the criminal/sadist; 4) the profiteer; 5) the careerist; 6) the devoted warrior; 7) followers and conformists; 8) the compromised perpetrator; and 9) the professional.

V.1.2.1. *The Criminal Mastermind (Smeulers, 2008: pp. 244-245)*

The criminal mastermind is usually the head of state or the head of a specific organisation – such as the army or police –, a powerful department – for example, the secret service – or a terrorist group. They are almost always male, with strong leadership abilities, manipulative character, and often, charismatic appeal. Even if they consider themselves superior, in fact they need to be worshipped by the masses (for a similar view, see Kressel, 1996). They are also very authoritarian, vain and arrogant; and they accept no criticism, since they believe they are infallible.

They are often driven by hatred and social resentment. They fanatically promote an ideology, but indeed they choose the one which will bring them to power. The ideologies they usually choose are extreme, undemocratic, and exclusive, but they are also appealing and successful. They seek absolute power and complete control, and they can do anything to stay in power. They always exclude a group within society, and they use it as the enemy or as the scapegoat. They blame the enemy for all the misfortunes, and they justify mass violence (and often extermination) based on their sole presence.

They do not commit crimes of obedience, but instead they initiate these crimes: they conspire, plan, incite and order the crimes. The following are some examples of criminal masterminds: Hitler, Pinochet, Milosevic, Pol Pot, Saddam Hussein, and Stalin. Depending on the nature of the regime and the character of the leader, four different subtypes can be identified: the strict authoritarian (Pinochet), the power hungry careerist (Milosevic), the ruthless dictator (Hussein or Stalin), and the "charismatic almost divine but utterly destructive leader" (Hitler). Charismatic leaders are usually narcissists who suffer from megalomania and have an evil and destructive nature, although they hide it behind their manipulative and charming appearance (for a similar view, see Fromm, 1973: pp. 406-407; Kressel, 1996).

V.1.2.2. *The Fanatic (Smeulers, 2008: p. 246)*

Driven by hatred, contempt or resentment, fanatics usually project these feeling onto a specific group which they blame for their misfortune. They also consider them inferior – sometimes, even subhuman –. They probably feel misfits within society, but they do not think they have any defect, instead they believe that society is unfair or imperfect. They have an extreme and rigid view, and they are absolutely convinced of the worthiness of their cause: when confronted with proof against it, they simply ignore it, because they believe it cannot be true. They are extremely dedicated to their cause: they can kill or even die for it. They are often very emotional about their cause, and thus, very difficult to control.

They often incite others to commit crimes, by way of sending hate messages or being the party demagogue. They can also conspire with the criminal mastermind and reach

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high positions within the hierarchical structure. However, it is also possible that they are close to the physical perpetration of the crimes; they sometimes take the lead in committing violent and brutal crimes. Since violence is not simply functional to them, they often use more violence than necessary.

V.1.2.3. The Criminal/Sadist (Smeulers, 2008: pp. 247-248)

Criminals/sadists are either people who under ordinary circumstances are also involved in committing crimes or people who might not yet be involved in crimes but have a hidden tendency to do so (or to behave in a violent and sadistic way). Regarding those who under ordinary circumstances would also be involved in crime, it is worth mentioning that the crimes they would commit under ordinary circumstances would probably be far less extreme than in a context of mass violence. As for those with unknown hidden tendencies, the brutalisation and lack of control resulting from war often leads to the emergence of such tendencies. In short, war brutalises people and can activate desires which were hidden under a layer of socialisation.

They deliberately take advantage of the context in order to commit crimes, or they are deliberately used by others because of their fewer inhibitions toward offending (for a similar view, see Smeulers and Grünfeld, 2011c; Kressel, 1996; Valentino, 2004). There are many examples of the involvement of this kind of perpetrator in atrocity crimes. In Darfur, convicted criminals have been deliberately recruited or released from prison in order to do the dirty work. In the Nazi's concentration camps, the *Kapos* were convicted criminals who – although prisoners themselves – were put in charge of the other prisoners and were responsible for much of the atrocities. Many criminal organisations were involved in the conflict in the former Yugoslavia, and Arkan was the leader of one of them: the *Tiger Force* (for a similar view, see Alvarez, 2010; Kressel, 1996;

Valentino, 2004). Arkan had been involved in crime prior to the war and he deliberately took advantage of the war to continue with his activities.

However, criminals/sadists are motivated by their own drives. Owing to their lack of obedience, loyalty and discipline, organisations where such characteristics are crucial make little use of this kind of perpetrator. Sadists have difficulty controlling themselves. Perpetrators who are clearly driven by sadistic, violent or other sexual impulses always go further than others. Sadists only follow the system if it is beneficial to them; they never entirely submit to a cause, group or leader; and they betray the cause whenever it is profitable for them to do so. Therefore, the number of sadists or otherwise mentally disturbed people is rather low among the perpetrators of international crimes.

V.1.2.4. The Profiteer (Smeulers, 2008: pp. 249-250)

Driven by personal interest, opportunism and greed, profiteers take advantage of the context of mass violence in order to obtain material gain and other advantages. They do not fervently believe in the ideology they support, but they embrace it as a useful tool to gain power, status or material gain. Under ordinary circumstances, they probably would not have been involved in crime. They are selfish and they do not feel responsible for what is happening around them. Even if they might feel horrified when first confronted with actual human suffering, they are opportunists and they rationalise and justify it.

Since periods of violence usually open new possibilities, they can fulfil any role. They do not necessarily take part in the crimes, but they support them by keeping quiet and taking advantage. They can take advantage of the targeting of a specific group within

society: they can take over their houses or companies, steal from them, blackmail or extort them, or take their homes once the inhabitants have left. Since the targeted group is usually an alleged privileged minority (such as the Tutsi in Rwanda), many people benefit from their elimination. For example, the Rwandan Interahamwe consisted of the poor and unemployed, and they could take revenge against the rich Tutsis without limits (for a similar view, see Straus, 2006; Kressel, 1996).

They can also denounce and betray others for material gain. Some profiteers want to make profit and do business with violent regimes by selling them weapons or other natural resources. A clear example thereof consists in the case of two Dutch businessmen – Gus K. and Frans van A. – who were convicted by Dutch criminal courts of arms trade and complicity in committing war crimes.

When profiteers are part of the system, they might take advantage of the situation for beating, raping or experimenting with their victim. Some of them commit crimes because they are curious about it, and they conduct immoral and criminal experiments. They justify their behaviour by reasoning that the victims will die soon anyway. Nazi doctors who conducted cruel experiments on living people are a good example of this kind of perpetrator (for a similar view, see Gupta, 2001: p. 114). Another reasoning they use lies in the fact that everyone is taking advantage of the situation.

V.1.2.5. The Careerist (Smeulers, 2008: pp. 250-251)

The careerist is similar to the profiteer in the sense that they both take advantage of the situation and are opportunistic. But the careerist is extremely well adapted to the system and can thus reach a specific position within the regime. In contrast, the profiteer

is less well adapted and more individualistic: they do not fully identify themselves with the regime.

Once the difference has been made clear, it must be first stated that careerists are driven by an aim to advance their careers and gain power, prestige, a good salary and status. They are well adapted and law abiding citizens who do whatever necessary to achieve their goals – often at the expense of others –. They are not driven by hatred or contempt; instead, they are merely focused on their jobs and they do not want to endanger these (see also Kressel, 1996).

Collective violence periods often result in the re-stratification of society, which gives individuals an opportunity to advance their career. Those who did not have a career prior to the period of collective violence take advantage of the situation to promote themselves. As for those who were successful before, they are faced with the possibility of losing everything if they do not go along with the period of collective violence, and thus, many of them decide not to fight in favour of those who are treated unfairly or badly. They continue with their jobs as if nothing had happened. When they advance to higher ranks within oppressive regimes, they conspire with the criminal mastermind. They plan, organise and delegate so that they do not have to do the dirty work themselves.

It is very unlikely that under ordinary circumstances careerists would have been involved in the commission of crimes, because they are law-abiding citizens and committing a crime could damage their career. However, it is worth mentioning that they would be involved in crime under ordinary circumstances if the organisation where they work gets involved in organisational crime. Therefore, it is possible that they would be white collar criminals under ordinary circumstances.

V.1.2.6. The Devoted Warrior (Smeulers, 2008: pp. 252-253)

Devoted warriors are law-abiding citizens under ordinary circumstances, but they get involved in crime during periods of collective violence because their loyalty can be easily abused by malignant authorities. They are obedient, loyal and dutiful followers who entirely "submit themselves to an authority, a leader or an ideology in which they strongly believe". Due to the fact that they do not feel capable of making their own judgement, they devote themselves to an authority they trust. Thus, they never question the leader or ideology they follow, especially when they are members of a militarised unit. Dutiful, law-abiding and reliable, they are ideal bureaucrats and soldiers.

In spite of having a very strong sense of duty and responsibility, they easily submit themselves to an authority. If they are given an order which they find immoral, they will let their feelings aside and focus on their job. Not only do they feel bound by their duty to submit themselves to their superiors, but they also feel they are not responsible for the final outcome. Thus, it is not surprising that under the guidance of an evil leader these law-abiding citizens are transformed into perpetrators of atrocity crimes. Even if they do not have an evil character, they come to believe that the atrocities in which they are taking part are for the good of their country.

They are decent people following the wrong cause: they can see murder, torture or genocide as necessary, but they will not accept corruption, theft, sexual harassment or excessive or unnecessary cruelty. Devoted warriors dislike sadists and fanatics, because they consider them barbarians. They usually also dislike profiteers for their unethical

behaviour. For example, the camp commander at Auschwitz (Hoess) shot a guard for abusing a prisoner; and Eichmann, although being in charge of the coordination to exterminate the Jews during Nazi-Germany, was horrified about unnecessary cruelty.

Devoted warriors can plan, organise and supervise the crimes. But they can also be otherwise involved in the commission of the crimes. Owing to the fact that they truly believe that their behaviour is fair and legitimate, they often go beyond the call of duty and play a crucial role in the commission of atrocity crimes. For instance, Eichmann – who is the prototype of a devoted bureaucrat – submitted himself completely and thoughtlessly to authority, and he "unconditionally accepted both means and cause". The thoughtlessness with which devoted warriors completely submit to an authority is at the same time a striking and horrifically common feature among this kind of perpetrator.

V.1.2.7. Followers and Conformists (Smeulers, 2008: pp. 254-256)

Followers and conformists do not have specific reasons to commit crimes: they are not driven by hatred/resentment or by the urge to obtain material gain. The reason why they commit international crimes is that they simply "go along with and follow the current". They do not have strong personalities and they do not think for themselves. They do not want to lead or take responsibility, especially when that would mean going against the majority. They rarely act on their own initiative, and they will do almost anything not to be considered misfits.

Followers are very authoritarian and follow a leader or the hierarchical chain of command. Smeulers distinguishes different subtypes of followers: the obedient

follower, the naïve follower, and the admirer. As for conformists, they are influenced by a group and by peer pressure rather than by authority. Conformists submit themselves to normative social influence and they accept the given social definition of reality. This type of perpetrator is afraid of being rejected from the group or to be seen as a coward or an outcast, and their membership of the group defines their identity.

That followers and conformists become (or not) perpetrators of international crimes depends on the type of group they join. Whereas there are many choices under ordinary circumstances – they can change groups and it is less probable that they get involved in the wrong groups –, it is more difficult to defect in an oppressive state, and thus more likely to get involved in committing crimes.

Both followers and conformists usually play small roles in the commission of atrocity crimes, and are thus considered responsible as accessories to the crime. Hitler's secretary, who used to take notes and type his speeches, is a good example of this kind of perpetrators. Even if she did not commit any crimes, she played an indispensable job by helping Hitler, as many other silent co-operators in destructive regimes. Nevertheless, followers and conformists can also be the physical perpetrators of the crimes, mainly when they are members of a militarised unit. Some members of such units accept the order to kill because they are afraid of disappointing the others or of being considered cowards or outcasts.

V.1.2.8. The Compromised Perpetrator (Smeulers, 2008: pp. 257-258)

The compromised perpetrator does not agree with the policy which is carried out, mainly with the crimes committed, but they are forced to cooperate. They are

vulnerable to pressure, because they are either members (or related to members) of the victimized group or they have a socially vulnerable position, such as the children or the unemployed (for a similar view, see Gupta, 2001; Straus, 2006; Smeulers and Grünfeld, 2011c). They cooperate because they feel it is the only choice they have or to save their lives or the lives of their loved ones. They sometimes also think that if they cooperate, they will somehow limit the damage and keep the situation in control. In Rwanda, many Hutus who were married to Tutsis were forced to kill other Tutsis in order to prove their loyalty and to prevent their Tutsi relatives from being killed (see also Straus, 2006). They usually play minor roles as accomplices, but they can sometimes be the physical perpetrators of the crimes.

Smeulers distinguishes two subtypes of compromised perpetrators: child soldiers, and those who are confronted to the situation claimed by Erdemović. Child soldiers can be clearly considered compromised perpetrators if they are abducted and forced, but also if they are recruited from environments of extreme poverty or if they volunteer – their vulnerability is abused and they are lured into recruitment –. If the story claimed by Erdemović is true, he should also be considered a compromised perpetrator, since he stated that he had been forced to kill Muslims in Srebrenica. Allegedly, after he had refused to do so, he was told to either obey or to stand in line with the prisoners to be executed himself. With the safety of his family in mind, he reluctantly obeyed the order and killed around seventy people.

V.1.2.9. The Professional (Smeulers, 2008: pp. 258-260)

Lastly, the professional is a member of the military, police, secret service or any other specialised and militarised unit. They usually receive an extremely coercive training program in which they are taught to accept a very strict hierarchy and to obey all orders unquestionably. Apart from being physically exhausted, recruits are deprived from primary facilities, humiliated, beaten and ill-treated during these training programs. The aim is to break their personality and to deindividualise and depersonalise them. As a result, they get desensitised and brutalised. They act instinctively, and they learn how to focus on their job letting aside the feelings that can obstruct their work. Therefore, they are usually the physical perpetrators of killings, tortures and other kinds of mistreatments.

Even if at first they act out of fear, after some months they internalise this fear and "continue to do their jobs even in the absence of such a clear threat". When that happens, it means that they have already been transformed into instruments of violence and destruction, that is to say, professional torturers and killers. They do not precisely enjoy inflicting pain or killing, but they get used to it and they see them as a mere job. Ordinary people have to distance themselves from the pain they inflict on their victims and fully accept the justification provided to them by the authority they obey if they want to be able to cope with being coerced into regularly torturing or killing. The psychological mechanism known as doubling – in which people create their separate reality in order to distinguish between professional life and personal life – is also used to cope with being forced to commit crimes on a regular basis (for a similar view, see Harrendorf, 2014; Waller, 2002; Kressel, 1996; Smeulers and Grünfeld, 2011c).

Like the devoted warrior, the professional sees violence as a part of his/her job; however, the professional is not so committed to a specific cause. A professional could change sides during a war, because torture and killing is just a job, whereas for the devoted warrior it is a job with a cause. As for the similarities with the compromised perpetrator, the professional is also forced to use violence at first, and it is the only reason why they get involved in atrocity crimes.

V.1.2.10. Summary

The following table aims to summarize and offer a general view of Smeulers' typology. All the information of the table stems from Smeulers' work on her typology.

	Features	Criminal behaviour	Examples
The Criminal Mastermind	- Driven by hatred and social resentment, they fanatically promote an ideology - They seek absolute power and control - They always exclude a group, which they blame for all misfortunes. Their sole presence justifies violence	They 1) conspire and plan, 2) incite, and 3) order the crimes	- Hitler - Pinochet - Milosevic - Pol Pot - Hussein - Stalin
The Fanatic	- Driven by hatred or resentment, they usually project these feeling onto a specific group which they blame for their misfortune - They feel misfits in society - They are absolutely convinced of and dedicated to their cause	They 1) incite, 2) conspire with the criminal mastermind, or 3) are closely related to the perpetration of crimes	
The Criminal/ Sadist	- Involved in crimes (or hidden tendency to do so) under ordinary circumstances - Motivated by their own drives	Physical perpetrators of the crimes. Sadists always go further than others	- Kapos - Arkan

The Profiteer	- Driven by personal interest, opportunism and greed - They embrace ideology to obtain power, status or material gain - They benefit from the elimination of the targeted group, which is usually a privileged minority	They 1) take over the houses of the victims, etc.; 2) denounce and betray others; or 3) do business by selling weapons, etc.	- Rwandan Interahamwe - Nazi doctors - Businessmen who sell weapons
The Careerist	- Aim to advance their careers and gain power, prestige and status - Like careerists, they are opportunistic, but since they are well adapted to the system, they reach a specific position within the regime	They 1) conspire, plan, organise; and 2) delegate (not physical perpetrators)	
The Devoted Warrior	- Obedient, loyal and dutiful - They do not feel capable of making their own judgment - They entirely submit themselves to an authority - They can accept murder, but not unnecessary cruelty	They 1) plan, organise and supervise; or 2) be otherwise involved in the crimes	- Hoess - Eichmann
Followers and Conformists	- Not driven by hatred or the urge to obtain material gain: they just follow the current - Followers: follow a leader or hierarchy - Conformists: influenced by the group and peer pressure	1) Small roles (accessories); or 2) physical perpetrators (if members of militarized units)	- Hitler's secretary
The Compromised Perpetrator	- They do not agree with the policy, but they are forced to cooperate - Members of the victimized group or socially vulnerable - To save their lives (or the lives of their loved ones)	1) Minor roles (accomplices); or 2) physical perpetrators	- Hutus married to Tutsis - Child soldiers - Erdemović (allegedly)
The Professional	- Member of the military or similar - Coercive training program where they are brutalized - They do not enjoy using violence, but they see it as a part of their job	Physical perpetrators of torture, mistreatments and killings	Greek torture school during the Greek colonels' regime

VI. Conclusion

The criminological analysis of atrocity crimes has shown that a terrifyingly high number of individuals get involved in the commission of such crimes. Not only the victims are numerous, but also the victimizers. Furthermore, criminals differ from each other in the means and ways in which they take part in the commission of atrocity crimes.

There are substantial differences among their contributions in terms of their impact on the criminal result. Apart from the front-line soldiers who stain their hands with blood, figures such as the criminal masterminds who order and control the crimes or the bureaucrats (for example, Eichmann) who pass the orders from the leadership level to the executors are utterly relevant in the commission of genocides, crimes against humanity and war crimes. The heterogeneous nature of the contributions which lead to atrocity crimes results in the urgent need for a frame of different modes of liability in ICL.

In spite of their heterogeneity, the individuals who take part in the commission of atrocity crimes can be grouped into three main categories: top-level perpetrators, mid-level perpetrators, and low-level perpetrators. The leadership level and the executors of the crimes are usually far away from each other, and the mid-level perpetrators are in charge of passing the orders from the first to the last.

VI.1. Low-level and mid-level perpetrators

Throughout this article, the massive involvement of ordinary citizens in the commission of atrocity crimes has been explained in terms of the extraordinary circumstances surrounding those events. Thus, it is claimed that these otherwise law-

abiding individuals become low-level and mid-level perpetrators of heinous crimes as a result of different factors which operate at macro, meso and micro level.

At this point, a clarification is required: trying to understand and explain the behaviour of low- and mid-level perpetrators should not be understood as a means to justify their acts or to acquit them. The fact that these criminals act within a context of exclusionary and dividing ideologies, us-them thinking, or dehumanization, to name just a few examples of macro-level factors, does not turn them into completely innocent victims of the circumstances. Neither can meso-level factors, such as extreme training programs or the deindividuation and routinization which take place within groups, be the basis for the application of a defence.

In spite of the great influence that macro- and meso-level factors produce among low- and mid-level perpetrators of atrocity crimes, in almost the entirety of the cases, these individuals were still free to choose. A clear example thereof is that many others who lived under the same circumstances did not engage in the commission of atrocity crimes. Since the Law cannot demand a heroic conduct, but instead what may reasonably be required from the average person, resisting the influence of destructive ideologies or not following orders could be interpreted as a heroic conduct. Nevertheless, history shows that the conduct of the people who did not succumb to the collective madness cannot be described as heroic (in a juridical sense): they were not asked to give their lives (or the lives of their loved ones) or to damage their integrity or other similar unbearable burdens.

This is not to say that there cannot be cases where criminals act under duress or other similar compelling situations. There is no doubt that in such particular cases, for instance, when crimes are perpetrated by child soldiers or other compromised

perpetrators, defences should be applied. However, it can be safely said that applying a defence (or a mitigating factor) as a general rule to every low- and mid-level perpetrator ought to be rejected, since the application of a defence should be limited to the specific cases (rather an exception in ICL) where its requisites are met.

Therefore, the explanation of why these ordinary people become criminals is not aimed at absolving them, but at understanding it in order to be able to prevent the effect of the aforementioned macro-level and meso-level factors in the future. Another reason for describing the context which facilitates the involvement of so many otherwise law-abiding citizens lies in the aim of portraying the role which top-level perpetrators play in the initiation of atrocity crimes.

VI.2. Top-level perpetrators

The top-level is not only formed by the criminal masterminds, but also by some fanatics and careerists – criminal masterminds can seldom plan and prepare the atrocities on their own –. Although they rarely stain their hands with blood, top-level perpetrators organize, plan and help create the general context where atrocity crimes take place. Indeed, the complex patchwork of factors which operate at macro and meso level does not appear out of the blue. The role which leaders play in relation to such macro- and meso-level factors has been outlined throughout this article.

Not only do elites promote the exclusionary and dividing ideologies which fuel atrocity crimes, but they also exacerbate existing cleavages and mobilize citizens into action. Furthermore, they establish policies which describe the victimized group as "the others" and as subhuman. Leaders make use of all kinds of mechanisms, such as the media,

propaganda, policies, etc., to prepare the macro-context for atrocity crimes to occur. At meso level, they are responsible for creating or perverting the organizations, institutions or groups by which crimes are committed. Apart from taking advantage of the diffusion of responsibility and deindividuation which groups offer – together with the routinization and segmentation of the tasks in bureaucracies –, leaders sometimes also promote extreme training programs.

However, leaders' sentence cannot be based on the creation of the criminal context, since the means they use for that purpose are not acts which constitute atrocity crimes or they are not criminal in itself. Instead, the principle of individual criminal responsibility provides that their penalty should be always based on the actual contribution by each individual to a specific crime (or crimes). Top-level perpetrators do not only create the extraordinary circumstances where atrocity crimes materialize, but they usually also plan, organize, order and, more importantly, control the commission of such crimes. In sum, they decide whether the crime is committed or not, and how it is committed as well. Thus, apart from being a key figure in the establishment of the extraordinary context, top-level perpetrators are usually also responsible for the most relevant contributions to the commission of atrocity crimes. Such contributions to specific crimes should constitute the basis for the criminal liability for atrocity crimes.

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