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CHAPTER

Introduction: Atrocity Crimes and Atrocity Studies

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Abstract

The introduction discusses the concept of atrocity crimes and its origins. It outlines its main definitional characteristics, distinguishes and briefly describes the three main constitutive categories of atrocity crimes (genocide, crimes against humanity, and war crimes), and discusses similarities and differences among the three categories. The introduction also addresses the scattered state of atrocity studies as a field of academic inquiry and introduces the Handbook on Atrocity Crimes as the pioneering volume combining major theoretical and empirical research on all three categories of atrocity crimes. It subsequently provides a roadmap of individual chapters included in the Handbook.

Keywords: [atrocity crimes](#), [crimes against humanity](#), [war crimes](#), [genocide](#), [atrocity studies](#)

Subject: [Violent Crime](#), [Criminology and Criminal Justice](#)

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My first baby, Sama. Her name is meaning “the sky.” Sky we love, sky we want. Without air forces; without bombing. Sky with sun, with clouds, with birds.

[...]

Sama, I know you understand what’s happening; I can see it in your eyes. You never cry like a normal baby would. That’s what breaks my heart.

[...]

Sama. You’re the most beautiful thing in our life. But what a life I’ve brought you into. You didn’t choose this. Will you ever forgive me?¹

THE 2019 documentary *For Sama* is a powerful and intimate account of life in the context of atrocity. Filmed as a love letter from a mother to her newborn daughter, Sama, Waad al-Kateab documented her life during the five years that the city of Aleppo—one of the theaters of the Syrian war—was under siege. Against the backdrop of extreme violence and destruction, Waad, a journalism student, falls in love, gets married, gives birth, and is ultimately forced to flee the carnage and constant insecurity. Together with her family, she leaves her beloved country. Her camera consequently captures the lived reality of atrocity crime, as well as the choiceless choices of individuals who bear the brunt of these crimes. It is on the one hand a story of mass destruction, tragic loss, trauma, and the inhumanity of atrocities; on the other hand, this documentary shows survival, laughter, love, resilience, and the humanity of those living through atrocity crimes.

p. 2 The war in Syria—which had led to an estimated 511,000 deaths, 6.6 million internally displaced people, and 5.6 million refugees by the end of 2019²—is but one of the many contemporary scenes of atrocity crime. In the 20th century alone, mass atrocities and collective violence cost over 200 million lives, with hundreds of millions more injured and traumatized (Savelsberg, 2010). As daunting as these numbers are, they also

cannot fully capture the myriad impacts on communities and cultures, rendering the full scale of harm of atrocities beyond comprehension. Despite the repeated mantra of “never again,” early warning systems, agreements to protect populations, and efforts to hold perpetrators accountable, such violence occurs again and again.

1. Atrocity Crimes: “What’s in a Name?”

Researchers have variously referred to serious, large-scale, collective, and organized acts of violence committed against civilians as mass killings, (categorical) mass violence, conflict-related crimes, gross human rights violations, crimes of the powerful, massacres, complex (humanitarian) emergencies, organized crime, or international crimes. Legally, such violent acts could be classified, alternatively or simultaneously, as war crimes, crimes against humanity, or genocide—“the most serious crimes of concern to the international community as a whole.”³ Collectively, such crimes are also known as atrocity crimes.

Atrocity crimes as a concept and as a term entered the vernacular in 2006. David Scheffer, the former U.S. Ambassador-at-Large for War Crimes, introduced the umbrella term “to enable public and academic discourse to describe genocide, crimes against humanity (including ethnic cleansing), and war crimes with a single term that is easily understood by the public and accurately reflects the magnitude and character of the crimes” (Scheffer, 2006, p. 230). Scheffer sought to rid the (often stalemated) political discussions among governmental representatives, policy makers, and diplomats of the emotively and legally charged debates about the classification of violent acts as genocide. The “genocide label,” according to Scheffer, had become insufficient, and at times counterproductive, as it is too narrow and politically controversial due to possible legal ramifications and state obligations “to prevent and punish” the acts of genocide⁴ (Scheffer, 2006, p. 230). The main idea was to enable policy makers, diplomats, and others to label serious violence as “atrocity crimes meriting timely and effective responses in political, military, and judicial terms” (Scheffer, 2006, p. 237). According to Scheffer, the term *atrocity crimes* would facilitate discussions and public outreach, rid them of unnecessary technicalities, and more accurately describe the totality of crimes—ultimately enabling effective prevention and intervention while sending a clear moral message of condemnation (Scheffer, 2006, p. 238). In addition to referring to legal definitions in the statutes and case law of international criminal courts and tribunals, Scheffer delimited the crimes as “high-impact crimes of severe gravity that are of an orchestrated character, that shock the conscience of humankind, that result in a significant number of victims, and that one would expect the international media and the international community to focus on as meriting an international response holding the lead perpetrators accountable before a competent court of law” (Scheffer, 2006, p. 239).

In academia, Scheffer’s proposal attracted support (e.g., Schabas, 2007; 2016; Bazylar, 2007; Mennecke, 2007; Karstedt, 2013) as well as criticism (e.g., Akhavan, 2007; Levene, 2007; Minow, 2007). In practice, the term has been widely adopted by the United Nations, which in 2014 published its “Framework for Analysis of Atrocity Crimes.”⁵ According to the Framework (p. 1), “the term ‘atrocity crimes’ refers to three legally defined international crimes: genocide, crimes against humanity and war crimes,” as stipulated in international treaties and conventions, including the Rome Statute of the International Criminal Court.

We believe that atrocity crime—as a term and a concept—can be useful not only for prevention, intervention, and public outreach, but also as an analytical category above and beyond the legal categories of genocide, crimes against humanity, or war crimes. This Handbook consequently focuses on atrocity crimes, which contributing authors also label as “atrocities” and “mass atrocities” at varying times. Atrocity crime delimits criminality, which is varied in its manifestations but nonetheless is unified by its fundamental underlying characteristics.

Atrocity crime is large-scale and systematic—extraordinary—criminality committed within specific political, ideological, and societal contexts. Individual violent acts are perpetrated in the context of other grave, widespread, or systematic crimes. They are committed by a multiplicity of actors against a multiplicity of victims who suffer far-reaching consequences.⁶ Atrocity crimes are, therefore, not isolated incidents perpetrated against the social norms of a respective society or group. Their perpetration is rather often dictated by those norms, and there can be enormous pressure on individuals to participate (Woolf, Hulsizer, 2005, p. 110). Not participating can mean risking condemnation or physical violence (Alvarez, 2001, p. 129), but participating often means reinforcing those norms in powerful ways. As such, the violent acts contribute to the context, while the context contributes to the violent acts of the individual. Because the

p. 4 individual crimes are part of a larger, organized, and violent attack, they become more than the sum of their parts. The context transforms the nature of the acts: from rape to a war crime, from murder to genocide. The violent acts that comprise atrocity crimes, therefore, take place against and within a violent context that is both constituted by and constitutive of such actions.

Accordingly, these crimes typically occur during armed conflicts, large-scale repression, or violent societal campaigns. Not all violence in such contexts is necessarily criminalized, though. For example, during armed conflicts, certain killings under specified conditions (of enemy soldiers, for example) are legal. However, irrespective of the (il)legality and criminality of individual violent acts, the violent contexts are determinative and sine qua non of atrocity. In fact, according to Straus (2016, p. 26), the violent context is what lies at the core of the conceptualization of mass atrocities as “large-scale, systematic (extensive, organized, widespread, sustained) violence against civilians and other noncombatants.” It is this intimate and necessary interrelation between the violent milieu and individual acts of atrocity that differentiates atrocity crimes from other types of criminality.

Despite the conceptual similarities of genocide, crimes against humanity, and war crimes, which warrant the grouping of atrocities under one label, we also believe that it is necessary and merited to disaggregate atrocities into categories for research and teaching purposes, though we recognize that the boundaries around such categories are often blurry. Atrocity crimes are constituted by diverse acts of violence, with varied purposes, motivations, dynamics, and consequences. Some are group-selective, some are not. In much the same way, some are group-destructive, while others are not (Straus, 2016). The act of killing, for example, can simultaneously constitute genocide, a crime against humanity, and a war crime. Yet, it can also be only one or the other, depending on the context and the purpose of the act, and we thus turn to a brief examination of such distinctions.

1.1. Genocide

Genocide is a group-selective and group-destructive mass atrocity. Raphael Lemkin coined the term during the 1940s to encapsulate “the destruction of a nation or of an ethnic group” (Lemkin, 1944, p. 79). Several years later, the United Nations adopted the international legal definition of genocide in the 1948 Genocide Convention, which has subsequently been used in the statutes of international criminal courts and tribunals, such as the ICTY, ICTR, and the ICC.⁷ According to the Convention, genocide involves killing, causing serious bodily or mental harm, deliberately inflicting on the group conditions of life to bring about its physical destruction, imposing measures intended to prevent births and/or forcibly transferring children “with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.”⁸ Genocide can be committed in both times of war and times of peace, and case law of the international criminal courts and tribunals has interpreted the prohibited acts to also include other forms of violence, such as sexualized violence.⁹

p. 5 1.2. Crimes against humanity

Although often perpetrated against a vulnerable or marginalized group, crimes against humanity are per definition neither a group-selective nor a group-destructive form of mass atrocities.¹⁰ They are violent acts “committed in the context of widespread or systematic attack against *any* civilian population” (emphasis added).¹¹ Coined in the context of the Belgian King Leopold II’s atrocities in Congo Free State (Washington Williams cited in Franklin, 1998), crimes against humanity are understood to encompass violent acts offending our “value of humanness” (Luban, 2004). Unlike genocide and war crimes (addressed in the next section), there is no convention on crimes against humanity.¹² Furthermore, crimes against humanity can be committed in the absence of armed conflict (Schabas and Bernaz, 2011). Actions that can constitute crimes against humanity are multifaceted and include murder, extermination, enslavement, deportation, identity-based persecution, forcible transfer of populations, torture, various forms of sexual violence, enforced disappearance, and apartheid.¹³

1.2. War crimes

In contrast to genocide and crimes against humanity, war crimes are, as the name suggests, prohibited acts committed during an international or internal armed conflict. They are regulated by international humanitarian law and codified in the Hague and Geneva Conventions.¹⁴ The connection to warfare and armed hostilities is thus the defining feature of war crimes. They are not necessarily a group-selective or a group-destructive form of atrocity. As such, war crimes encompass a large variety of acts and prohibited conducts (e.g., the Rome Statute lists 50 specific offenses),¹⁵ ranging from attacking civilian property and using prohibited means of warfare to conscripting and using child soldiers, killing civilians, and committing sexualized violence. In juxtaposition to crimes against humanity, war crimes can be isolated acts or conducts prohibited by international humanitarian law. The violent context, which distinguishes murder as a war crime from murder as a crime committed in peace time, is the violence related to the armed conflict/war, which is not criminalized.

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1.3. Ethnic cleansing and the crime of aggression

Lastly, we need to consider ethnic cleansing and the crime of aggression. Even though our attention is dedicated to the three main categories of atrocity crimes listed earlier, the overview would be incomplete without a brief mention of these two forms of violence as well.

Ethnic cleansing is not listed in any of the international criminal statutes; however, it is mentioned in the UN Atrocity Crimes Framework. The term refers to “acts that are serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes, in particular crimes against humanity.”¹⁶ Ethnic cleansing refers to the forced removal and relocation of an ethnic group from a territory and is thus a form of group-selective violence. The term was first used at the international level to describe the violence during the 1990s in the former Yugoslavia. The term is a literal translation from the Serb/Croatian or Croat/Serbian *etničko čišćenje*, which was, according to Petrovic (1994), employed by military officers in the former Yugoslav People’s Army to describe the aim of gaining total control over a particular area—“to clean the territory” of the enemies (Petrovic, 1994, p. 2). The phrase gained notoriety because it was swiftly adopted by journalists and politicians who also used it to describe similar violence in other countries (Petrovic, 1994, p. 1). Today, ethnic cleaning is not legally recognized as a crime, though politicians, journalists, and some academics continue to employ the term.

Last but not least, the crime of aggression—formerly described as crimes against peace—constitutes the fourth category of crimes listed in the Rome Statute. Aggression refers to unjustified initiation of armed conflict by a state against another state.¹⁷ Despite its original status as “the supreme crime” after World War II, Moyn (2020, p. 341) suggests that, “international criminal law has exclusively focused on accountability for atrocity [i.e. war crimes, crimes against humanity, and genocide]” since the 1990s. Indeed, while the ICC retains jurisdiction over the crime of aggression, its definition was not originally included in the Rome Statute. Instead, in 2010, state parties to the Rome Statute adopted the so-called Kampala Amendment which defined the crime and outlined conditions under which the ICC can exercise jurisdiction. The article prohibiting aggression in the ICC Statute entered into force in July 2018, which is also the starting date the ICC could prosecute the crime. As such, the crime of aggression has yet to receive much scholarly attention, in particular from social scientists, and we accordingly do not consider it in this Handbook. Instead, we focus on war crimes, crimes against humanity, and genocide, which have been extensively studied in the social sciences, humanities, and law.

Scholars studying mass atrocities are scattered not only across a large variety of disciplines—such as international (criminal) law, international relations, criminology, political science, psychology, sociology, history, anthropology, and demography—but also across the topic-related fields, which are by definition multi- and interdisciplinary but are typically limited to a particular category or aspect of atrocity crimes. These include genocide studies (Bloxham and Moses, 2010), conflict studies with their focus on armed conflicts and post-conflict reconstruction and peace building (Tropp, 2012), perpetrator studies (Smeulers et al., 2019), the growing field of transitional justice that studies post-atrocity justice and reconciliation (Lawther et al., 2017), and international criminal justice (Heller et al., 2020). Therefore, atrocities are generally studied in disciplinary or “topical” silos, and there is a lack of exchange, dialogue, and integration of the vast knowledge gleaned over the past decades on the causes, dynamics, and consequences of each category of atrocity crimes. Scholarship on atrocity crimes is spread over numerous (inter)disciplinary journals and books, and (to our knowledge) a comprehensive volume that addresses and compares the three main categories of atrocity crimes—and covers and connects the breadth and depth of the existing scholarship—did not exist prior to this one.

Though this Handbook integrates literature from all of the aforementioned disciplines and topic-related fields, it retains a special emphasis on criminology. Criminology is an interdisciplinary area of inquiry centered on a single, unifying phenomenon: crime. As such, we suggest that criminology offers a particularly powerful lens for synthesizing scholarship on atrocity crime. Indeed, criminologists are not newcomers to the study of atrocity crimes. Most notably, Sheldon Glueck, who is prominently recognized for his criminal careers research with Eleanor Glueck, played an instrumental role in the International Military Tribunal at Nuremberg (Hagan and Raymond-Richmond, 2009). Prior to the Tribunal’s creation, Glueck (1945) had published *War Criminals: Their Prosecution and Punishment*, which presented a plan for prosecuting war crimes committed during World War II. Partly due to this plan, Glueck was selected to advise Justice Robert H. Jackson, the Chief United States Prosecutor at Nuremberg. Jackson and the other prosecutors drew heavily from Glueck’s ideas, and Glueck also helped develop a system to catalog evidence. When the Tribunal closed, Glueck noted that, “[f]or the first time in history, a distinguished panel of judges ... has solemnly declared that there is such an offense as a crime against the peace of the world.”¹⁸

Social-scientific research focusing on mass atrocities was given a new impetus after the end of the Cold War in the 1990s. Mass violence in the former Yugoslavia, as well as in Rwanda, sparked new research initiatives in numerous disciplines. Vast jurisprudential developments at the various international courts and tribunals, such as those pertaining to the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia, or at the International Criminal Court—as well as the treasure trove of documents these courts have created—added a further impetus for researchers to strive toward a better understanding of these crimes. These developments have also been reflected in the establishment of supranational criminology as a sub-field of criminological inquiry specifically focusing on atrocity crimes or one of their constitutive categories (Smeulers and Haveman, 2008; Alvarez, 2009; Brannigan, 2013; Bantekas and Mylonaki, 2014; Barak, 2015; Rafter, 2016; Jones, 2017), as well as its sub-area of inquiry emphasizing the victimology of atrocity (Letschert et al., 2011; Bonacker and Safferling, 2013).

Therefore, research on atrocity crime has grown exponentially since the 1990s, albeit oftentimes developing in parallel tracks along traditional disciplinary divides or topic-limited fields. This Handbook attempts to bridge these divides and boundaries, and at the same time nuance the discussions by purposefully interrogating possible differences among the individual categories of atrocity crimes. Essentially, it provides a comprehensive, multi- and interdisciplinary overview of research related to atrocity crime.

This Handbook, therefore, brings together the largely scattered scholarship on (mass) atrocities and interrogates atrocity crimes as an overarching category of criminality, while simultaneously keeping an eye on differences among the individual constitutive categories. We asked each contributor to reflect on the possible differences and similarities among the three main categories of atrocity crimes and, in doing so, to critically engage and identify gaps in our collective understanding of mass atrocities as an overarching concept. We hope this endeavor consequently pushes the boundaries of existing knowledge and provokes scholarly imaginations.

The structure of the Handbook is guided by general areas of traditional criminological inquiry and consists of six interrelated parts: 1) Atrocity Crimes; 2) Etiology and Causes of Atrocity Crimes; 3) Actors in Atrocity Crimes; 4) Harm and Victims of Atrocity Crimes; 5) Reactions to Atrocity Crimes; and 6) Selected Case Studies. In each part, leading authorities on selected topics provide a concise review of theoretical and empirical research and suggest new areas for scholarship. Each topical chapter thus synthesizes current theory and findings and highlights cutting-edge scholarship while simultaneously identifying gaps in existing knowledge and providing suggestions for future work. Even though we would have loved to provide an exhaustive account of all aspects of atrocity crimes, it is clearly impossible in one volume. Therefore, we sought to cover wide-ranging issues we considered the most salient and relevant in existing scholarly discussions and in the broader quest to understand atrocity crimes. Each chapter can be read on its own, as each will provide the reader with a unique synthesis of a particular topic and with new insights. However, if readers take the time to read all of the chapters, they will uncover the rich and complex universe of our existing, ever-growing knowledge on these “unimaginable” crimes. We as editors have had the privilege of taking that “journey” and can highly recommend everyone to follow suit. In the following paragraphs, we offer a brief roadmap across the individual chapters.

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3.1. PART I—Atrocity crimes

The Handbook begins with a general overview of the foundations of research on atrocity crime. Chapter 1, written by Jeremy Kuperberg and John Hagan, addresses the meaning and development of relevant terminology and considers problems of delimitation with regard to the different categories of atrocity crimes. Kuperberg and Hagan focus on the actors responsible for the conceptual inception and development of the three types of atrocity crimes and trace the past and ongoing definitional discussions in legal and social-scientific scholarship. Surveying legal practices at international criminal courts and tribunals, they identify two realms in which boundaries between the three categories have frequently been contested and porous: (i) group identity and (ii) sexual violence. Kuperberg and Hagan then turn their attention to terminological debates in social-scientific scholarship and address attempts to emancipate analytical categories and terminology from a straitjacket of strictly delimited legal definitions. According to Kuperberg and Hagan, “[t]ranscending mere semantics, both past and present conceptual innovations [such as the concept of atrocity crimes] are intended to have significant consequences in law, politics, and scholarship alike.”

In Chapter 2, Catrien Bijleveld turns readers’ attention to the various methods and methodologies social scientists use to collect information about and analyze atrocity crimes. Focusing on empirical research and using a criminological lens, Bijleveld discusses how researching atrocities is mired with extra difficulties and challenges. She argues that the crimes, the context in which they are committed, and their aftermath generate a particular constellation of factors in which necessary methods/methodologies may differ from those that are standard within the social sciences. Specifically, Bijleveld identifies four main characteristics that make researching atrocity crimes different from researching other types of crime: (i) their scale; (ii) contexts in which atrocity crimes are committed; (iii) the dangerous circumstances in which empirical data on atrocity crimes are commonly collected; and, finally, (iv) the fact that atrocity crimes are relatively rare occurrences taking place in unique and idiosyncratic contextual constellations, which makes it difficult to make any casual inferences according to regular social science methodological standards. Bijleveld concludes with an urgent call for cross-disciplinary standardization of methodologies to study atrocities and “understand these incomprehensible crimes and their pervasive consequences.”

In the final chapter of the first part of the Handbook, Mark A. Drumbl critically reflects on his previous work and the claim that genocide, crimes against humanity, and war crimes are fundamentally different from

more common types of crimes. What makes this criminality distinct from a street robbery, an isolated murder, or a single rape committed in a relatively peaceful domestic context? Drumbl identifies one feature—collectivization—that he argues makes atrocities categorically different from common crime. Focusing on a subset of atrocity crimes—what he calls *extraordinary international crimes*, which are per definition committed by groups against groups—Drumbl advances two interconnected theoretical claims: (i) extraordinary international crimes are group crimes characterized more by collective obedience than individual transgression; and (ii) nonetheless, individualized criminal trials, premised on addressing deviant and pathological conduct, have prevailed as the first-best, though ill-fitting, form of accountability for such collective criminality. Drawing upon vignettes of atrocity crime participants and their trials from around the globe, Drumbl engages with critics who have challenged his theoretical claims and introduces his new source of “vexation when it comes to the hydraulics and pneumatics of collective atrocity: the phenomenon [he] tentatively call[s] the *banality of opportunism*.”

3.2. PART II—Etiology and causes of atrocity crimes

Part II of the Handbook provides the reader with recent theoretical and empirical research striving to explain atrocity crimes. We purposefully selected authors from different disciplinary backgrounds—such as political science, genocide and conflict studies, law, international relations, and criminology—to discuss how atrocity crimes are related to a variety of factors, such as armed conflict, natural resources, the type of regime, and ideology. We asked each author to explicitly reflect on different categories of atrocity crimes and address the extent to which different mechanisms and theories can help to explain each. The fact that each of the contributors has used diverse methodological approaches to explain atrocities and their social contexts in their previous research—such as negative case studies, comparative case studies, interviews, and large-N quantitative modeling—also brings a rich variety of perspectives regarding why atrocity crimes happen.

In Chapter 4, Barbara Harff provides a personal recollection of the beginnings of risk assessment and early warning models, as well as of her role at the inception of this now burgeoning field of research. Harff takes the reader back to the early 1990s, when she worked via the U.S. State Failure Task Force to pave the way for risk assessment efforts and predictive modeling of political instabilities and state failures around the globe. Harff was the only genocide scholar on the Task Force and, consequently, was the only member who had engaged in empirical modeling of genocides and politicides. Prior to her pioneering work based on large-N quantitative modeling and the development of typologies of genocides, genocide studies had largely been a qualitatively-oriented field focused on individual case studies. In her chapter, Harff thus recounts her groundbreaking early studies and discusses her later research in developing early warning and risk assessments.

In Chapter 5, Melanie O’Brien takes a legal, human rights perspective to analyze atrocity crimes. O’Brien notes that, in practice, behavior that is categorized as atrocity crimes (war crimes, genocide, and crimes against humanity) can also simultaneously be categorized as human rights violations. However, this interaction and overlap is rarely explicitly acknowledged, and the two legal regimes—international criminal law and human rights law—operate largely in isolation. O’Brien consequently examines the relationship between human rights and atrocity crimes, considering protection of human rights as a means of atrocity prevention. She pinpoints the relationship of each category of atrocity crime with human rights and identifies the importance of the human rights law regime in times of atrocity. Overall, according to O’Brien, there is a need for those addressing atrocity crimes to further engage with the human rights regime, from prevention to accountability. She concludes that “rather than occlude the relationship between atrocities and human rights, we need to bring them closer together, in scholarship and in praxis, to create a symbiotic and reified system of prevention and accountability.”

Jolle Demmers highlights the connection between armed conflicts, atrocity crimes, and group-making in Chapter 6. She approaches atrocities as a particular repertoire of collective violence, be it structural, manifest, or performative. Specifically, she highlights the changing conflict landscapes characterized by the post-World War II shift from classic interstate wars to intrastate violent conflicts. These “new wars” are fought between states and local actors such as rebel groups, paramilitaries, guerrillas, and insurgents over the governance of the population, resources, and territory. Civilians are thus placed at the heart of violent conflict in the world today, as both a target and a constituency. As such, Demmers suggests that in answering the key questions of how and why atrocities happen, one needs to examine the connection

between social boundary drawing and violence from the three interrelated perspectives of (i) the entrepreneurs of violence, (ii) the alliances that help execute and sustain the violence, and (iii) the frames through which violence is legitimated and deemed necessary or inevitable.

Chapter 7, written by Kieran Mitton, provides a comprehensive review of research focusing on natural resources, conflict, violence, and atrocities. Mitton synthesizes and critically interrogates existing insights on the topic, which stem from a broad variety of disciplines and employ diverse methodological approaches. Mitton cautions, however, that this diversification has led to disciplinary silos and has regularly obstructed collaboration and exchange between different fields. Synthesizing these varied approaches, he then examines the role of natural resources in violence and atrocity crimes through two broad areas of focus: resource scarcity and resource abundance. In doing so, Mitton provides an overview and critical reflection of key thematic debates linking resources, conflict, and atrocities, from the early eighteenth-century Malthusian concerns over demographic pressures to more recent emphases on climate change and urbanization. Based on his comprehensive survey, Mitton concludes that “the overwhelming focus of much of this scholarship has been upon the causes and dynamics of conflict, and there is need and potential for much greater investigation of the specific relationship of natural resources to atrocity crimes.”

In Chapter 8, Maartje Weerdesteijn explores scholarship addressing the connection between regime type and atrocity crimes. Similar to Mitton, Weerdesteijn notes how disciplinary and methodological silos have hampered constructive exchange among scholars studying the relationship between democracies, dictatorial regimes, and atrocities. In her chapter, Weerdesteijn provides a vital step in such cross-disciplinary dialogue and synthesizes the existing empirical research on the relationship between regime type and atrocity crimes. She critically addresses the consensus among scholars that established democracies are least likely to perpetrate mass atrocities. In order to understand why dictatorial regimes are more likely to perpetrate mass atrocities, Weerdesteijn then proposes a qualitative analysis that links regime type to other known risk factors for mass atrocities.

Jonathan Leader Maynard turns a lens toward the role of ideologies, identities, and speech in atrocity crimes in Chapter 9. While many scholars have strongly emphasized how radical ideologies, antagonistic identities, and extreme speech can encourage atrocity crimes, others dispute the centrality of such factors, preferring to focus on conflict dynamics, local intracommunal politics, and material self-interest. Leader Maynard provides an overview of these interdisciplinary, and somewhat fragmented, debates. Specifically, he maps out three broad perspectives on the role of ideology, identity, and speech in atrocity crimes: (i) traditional, (ii) skeptical, and (iii) revisionist. In contrast to existing research, Leader Maynard argues that ideologies, identities, and speech need to be understood as deeply interdependent and therefore studied in tandem, suggesting possible differences in the role of ideology, identity, and speech across different categories of atrocity crimes. Leader Maynard then identifies two key theoretical puzzles in need of further research: first, what forms of ideology, identity, and speech carry the greatest danger of promoting atrocity crimes; and second, what underlying factors of ideologies, identities, and speech explain radicalization toward atrocity crimes.

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Chapter 10, written by Rachel Jacobs and Scott Straus, shifts toward meso-level dynamics of atrocity crimes, which scholars largely neglected prior to recent years. The authors argue that examining meso-level dynamics facilitates a more granular understanding of mass atrocities, as meso-level actors shape how, where, when, and at what scale atrocity crimes take place. Jacobs and Straus offer three pathways through which meso-level authorities and players can escalate, or restrain, violence: (i) top-down policies of violence that meso-level actors put into place; (ii) from-the-middle dynamics of violence where meso-level actors escalate violence for their own independent interests; and (iii) information distortions by meso-level actors about the progress of national policies that lead to deaths. They illustrate these different pathways via three case studies of atrocity crimes: genocide in Rwanda in 1994; genocide in Darfur, Sudan, in 2003–2005; and Communist mass atrocities—the Khmer Rouge’s “super great leap forward” in Cambodia in 1975–1979.

Chapter 11, written by Susanne Karstedt, continues the focus on the meso-level and centers on a relatively neglected subset of atrocity crimes—illegal detention, torture, and enforced disappearances. Karstedt demonstrates how these crimes are committed in recurring patterns across diverse atrocity contexts by what she calls “atrocious organizations.” In such organizations, atrocities become an established part of organizational targets, strategies, routines, and managerial performance. Police and security forces are main actors in a network of atrocious organizations that also often include military and paramilitary units.

Specifically, Karstedt identifies three processes decisive in the transformation from ordinary to atrocious organizations: politicization (ethno-politicization), de-professionalization, and militarization. She uses evidence stemming from the Holocaust, violence in the former Yugoslavia, repressive regimes in Latin America, and conflicts in Asia to identify common characteristics of atrocious organizations and their crimes.

3.3. PART III—Actors in atrocity crimes

Parts III and IV of the Handbook turn the reader's attention away from general discussions on the causes and etiology of atrocities toward the actors involved in atrocity crimes. In great detail, the chapters of this section address a diverse set of players represented in the so-called atrocity triangle—perpetrators, victims, and bystanders. Part III identifies the various roles individuals, organizations, and states play in committing, facilitating, or resisting atrocity crimes. Specific attention is paid to the fact that the roles individuals play in mass atrocities are hardly ever static and shift over time and place, complicating the notion of mutually exclusive sides of a triangle. This complication is particularly highlighted in the chapter on child soldiers, who are the embodiment of the overlap between those who commit violence and those who bear the brunt of it.

p. 13 Chapter 12, written by Alette Smeulers, discusses individuals as perpetrators of atrocity crimes and provides an overview of the field of perpetrator studies. Smeulers not only traces ↪ the historical origins of this inter- and multidisciplinary field of study but also summarizes its main findings, as well as the current state of the research. She outlines core debates in perpetrator studies and pinpoints crucial questions and dilemmas that remain. According to Smeulers, it is important to recognize that most perpetrators are ordinary human beings in extraordinary circumstances, and many commit atrocities by obeying their superiors and conforming to others. This chapter, however, also notes the diversity among perpetrators, highlighting that many different reasons can influence involvement in mass atrocities. Smeulers concludes by emphasizing that human behavior is extremely complex and at times difficult to understand; yet, research on perpetrators must still be undertaken, as knowledge is the only thing that might help stop perpetrators and ultimately prevent atrocity crimes.

In Chapter 13, Roland Moerland also discusses the role of individuals in atrocity crimes but shifts attention to those who more or less passively stand by when atrocities are being committed. Moerland takes a bird's-eye perspective and provides a comprehensive overview of existing bystander research. After tackling definitional issues, he discusses what role individual bystanders play in atrocity crimes and proposes a “bystander continuum” that reflects differences in bystanders' behavior and its implications relative to victims and perpetrators. Moerland then addresses the complexities of role-shifting in mass atrocities, noting that the boundaries between the categories of perpetrator, victim, and bystander are porous rather than fixed. He discusses different types of bystanders and elaborates on how individuals become bystanders given the social and psychological features of atrocity situations. According to Moerland, bystander passivity has crime enabling and facilitative implications. It is thus far from innocent and raises questions about moral and legal responsibility.

Erin Jessee's Chapter 14 also interrogates the utility of strictly delimited, hermetically sealed, analytical categories for studying individuals' roles in atrocity crimes. Jessee emphasizes the complexity of peoples' behaviors and experiences during mass atrocities and critically interrogates simplistic binaries of victims/survivors and perpetrators that proliferate in the media and other public discourses about mass atrocities. Drawing on her own ethnographic fieldwork conducted for over a decade in post-genocide Rwanda, Jessee argues that most peoples' experiences of mass atrocities are more multifaceted than this categorization permits. She instead proposes a category of “complex political actors,” which provides a starting point for analyzing the full spectrum of peoples' actions during mass atrocities. According to Jessee, this flexible and dynamic framing allows for better understanding of the shifting roles that people take on in response to changes in their nation's political climate and personal circumstances before, during, and after atrocity crimes.

Chapter 15, written by Myriam Denov and Anaïs Cadieux Van Vliet, complements the previous chapter by discussing one such complex political actor in atrocity crimes: child soldiers. In their chapter, Denov and Cadieux Van Vliet assess the evolution of the legal definition of the child soldier while reflecting on the fact that complexities of involvement of young people in armed conflict are hard to capture in any nomenclature. They outline the development of international legal instruments aimed at preventing the use of children in

armed conflict and note that despite the ambitions of lawyers and policy makers, children across the globe continue to be implicated in armed conflict. Based on existing empirical research, they then discuss on-the-ground realities of child soldiers, focusing specifically on girl soldiers, who, despite popular beliefs, constitute a sizeable proportion of child armies. The chapter then provides an overview of the depictions of child soldiers in popular media, highlighting how iconography may contribute to shaping policy and programming. Denov and Cadieux Van Vliet conclude by discussing the tensions and paradoxes associated with the translation of formal legal commitments to prohibit and prevent child recruitment in armed conflicts into practice.

In Chapter 16, Uğur Ümit Üngör shifts attention from individuals as actors in atrocity crimes toward organizations. In particular, he disentangles and problematizes the involvement of non-state actors, such as rebel groups, paramilitaries, terrorist organizations, or drug cartels. The post-Cold War period has seen an increase in mass atrocity crimes committed by non-state actors. Building upon literature in conflict and terrorism studies, Üngör discusses definitional complexities of distinguishing non-state actors and demonstrates a variety of different groups and organizations that commit atrocity crime. He notes that non-state actors' violence largely varies depending on the purpose of each organization and the context of each situation. In general, however, types, forms, and intensity of violence committed by non-state actors are determined by their interaction with the state and with the civilians that support the state. In order to demonstrate the variation of groups and their repertoires of violence, Üngör presents four case studies of non-state actors' involvement in atrocity crimes from four different continental and national contexts: the Irish Republican Army, the Islamic State in Syria and Iraq, the Lord's Resistance Army in Uganda, and the Mexican drug cartel the Zetas.

In Chapter 17, Wim Huisman, Susanne Karstedt, and Annika van Baar turn readers' attention to another type of non-state actor—corporations—and map corporate involvement in atrocity crimes using their own comprehensive empirical database of 105 cases of corporations accused of involvement in atrocity crimes from World War II to 2019. Corporations and companies are increasingly in the spotlight when it comes to their harmful activities, as well as the possibly harmful consequences of their business. Huisman, Karstedt, and van Baar define corporate involvement and provide an unprecedented empirical overview of the types of atrocity crimes involving corporations. They distinguish types of corporations and forms of industries involved in atrocity crimes since 1945. They detail these organizations' "crime scripts," discussing processes, mechanisms, and gains by which corporations become involved, interact, and collaborate with the main actors in the commission of atrocity crimes. Huisman, Karstedt, and van Baar illustrate their analytical framework with an in-depth comparative analysis of two historical cases of companies involved in atrocity crimes: the Holocaust committed by Nazi Germany in the 1940s and atrocity crimes committed during the protracted armed conflicts in the Democratic Republic of the Congo in the 1990s and 2000s.

Christopher W. Mullins, in Chapter 18, elaborates on the role of the state as the ultimate organizational actor in atrocity crimes. Given their large-scale character and systematicity, atrocity crimes are often committed, encouraged, or tolerated by states. Drawing upon examples from various cases and contexts around the globe, Mullins discusses how states play a central role in planning, orchestrating, and executing atrocities. States provide coordination and control of necessary resources, including requisite human capital and materiel. Indeed, atrocity crimes usually require large amounts of human capital, extensive communication networks, and the mass movement of people in a geographic area. Mullins illustrates how the strong symbolic power of states facilitates the transmission, and undergirds the legitimacy, of ideologies that are a key aspect of the deployment of mass atrocities. Mullins, therefore, outlines the central role of the state, as both a perpetrator or highly powerful internal bystander, in the commission of atrocity crimes.

In the final chapter of this part of the Handbook, Chapter 19, Alex J. Bellamy reflects on how states and the international community pledged to protect civilian populations from atrocity crimes committed around the globe. Bellamy discusses the Responsibility to Protect (R2P)—a political commitment the international community enacted at the 2005 World Summit after the failures to halt atrocities committed in Rwanda and the former Yugoslavia in the 1990s. R2P holds that sovereign states have a responsibility to protect their own populations from atrocity crimes and that the international community should encourage and assist individual states to fulfill their responsibility. When states are manifestly failing to protect their populations, the international community should respond in a "timely and decisive" fashion. Bellamy examines the emergence of R2P and the responsibilities for protection that come with it. He shows that R2P confers responsibilities upon specific actors but that the principle is grounded in international politics, meaning that, in practice, its implementation record is mixed. Bellamy argues that R2P should, therefore,

be thought of as a “responsibility to try.” The chapter also shows that the allocation of responsibility is complicated by the emergence of non-state armed groups both as perpetrators of atrocity crimes and (selective) protectors from atrocities.

3.4. PART IV—Harm and victims of atrocity crimes

After discussing different actors as perpetrators and bystanders of atrocity crimes, Part IV of the Handbook shifts attention to those who bear the brunt of atrocity crimes. Atrocity crimes are characterized by large-scale, multifaceted victimization that results in extreme suffering and harms that can take generations to heal. Atrocities entail not only large-scale mortality but also long-lasting traumatization and other psychological, economic, cultural, societal, and environmental harm. The victimology of mass atrocity still grapples to understand, map, and theorize the victimhood of atrocity crimes, as well as its different manifestations and forms. The five chapters in this part of the Handbook consequently discuss selected topics related to victims of atrocity crimes and harms caused by the various categories of atrocity crimes.

In Chapter 20, Antony Pemberton and Rianne Letschert note that recent years have seen a flourishing of interest in the social science of the experience of suffering atrocity crimes. However, according to them, supranational victimology is still in its infancy. Pemberton and Letschert argue that a reorientation of victimology is needed—from the epistemological template of the natural sciences focusing on rationality and universality to one drawing on practical wisdom and embracing values, context-dependency, practice, and action. According to Pemberton and Letschert, the impossibility of abstraction and generalizations is a key feature of atrocity victimization. Drawing upon the phenomenology of Susan Brison, they argue that a key ethical quality of victimization is its nature as an “ontological assault,” or an attack on being that reveals features of being in precisely what it damages/diminishes/destroys. According to Pemberton and Letschert, this ontological assault has implications for the reactions to atrocity crimes, such as various initiatives to deliver justice to victims. The chapter develops the differences between countering injustice and doing justice, and sketches how processes of justice can contribute to countering injustice despite their inherent limitations.

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Given the large-scale character of atrocity crimes, which are often committed in chaotic contexts of armed conflicts and societal upheavals, it is particularly challenging to establish how many victims were killed, under what circumstances, and by whom. These questions, however, are important if not essential for establishing individual criminal liability of the perpetrators of war crimes, crimes against humanity, and genocide. Chapter 21, written by Helge Brunborg, addresses these very complex issues. Brunborg’s chapter provides an overview of data collection methods and sources on atrocity deaths. As the conventional data sources on death are usually unavailable during wars or mass atrocities, two main methods to collect data on violent deaths are: (i) passive recording of killing incidents from existing sources; and (ii) active recording of deaths in retrospective surveys or censuses. Brunborg discusses perils and challenges of these various methods to estimate mortality. To do so, he relies upon ample examples from past atrocity death estimates from around the globe, with a particular focus on the groundbreaking population project undertaken at the International Criminal Tribunal for the former Yugoslavia.

In Chapter 22, Daan P. van Uhm assesses the understudied yet increasingly relevant issue of harm that atrocities cause to the natural environment. As van Uhm notes, atrocities are connected to large-scale pollution, global deforestation, the disappearance of species, and global warming. Van Uhm’s chapter thus provides a comprehensive overview of the relationship between the environment and atrocities, discussing the environment as cause, tool, and victim of mass violence. He analyzes the interpretation given to the natural environment with regard to three categories of atrocity crimes in international criminal law and urges for the recognition of ecocide as a new category of atrocity crime in the Rome Statute. According to van Uhm, such recognition will help prevent atrocities as well as protect the environment from being damaged.

Atrocity crimes oftentimes entail widespread displacement and forced migration, as manifested by the unprecedented forced migration flows from conflict areas or repressive regimes over the past years. Chapter 23 turns attention to this very topical issue. Victoria Colvin and Phil Orchard note that fleeing can be a response to, or part of, an atrocity crime. Within international criminal law, forced deportations and forcible transfers can potentially constitute both crimes against humanity and war crimes, while some forms of forced transfers (such as the transferring of children) may also constitute genocide. According to Colvin and Orchard, as of 2020, the numbers of forced migrants globally exceeded 82.4 million people. Given

these alarming trends, Colvin and Orchard discuss historical developments of various international legal mechanisms and instruments aimed at protecting forced migrants (specifically refugees and internally displaced persons) from atrocity crimes. They argue that there has been a growth in such protections over the past decades while also addressing their limitations.

p. 17 In the final chapter of this part, Chapter 24, Lidewyde Berckmoes provides a review of literature dealing with inter- and transgenerational harms and consequences of mass atrocities. Berckmoes traces the roots of this interdisciplinary field of scholarship back to clinical work with Holocaust survivors' descendants in the 1960s. Offspring of Holocaust survivors appeared to suffer from psychopathological problems that until then could only be attributed to personal exposure to violence. Ever since, according to Berckmoes, research on the intergenerational transmission of violence and trauma has been growing, and attention has broadened to include various mass atrocity contexts alongside diverse disciplinary perspectives. Berckmoes synthesizes existing studies and critically reflects on definitional issues. She outlines mechanisms of intergenerational transmission of legacies of mass atrocities identified in the literature, such as cycle of violence theory or historical and cultural trauma as a narrative representation of the past harms, among others. Berckmoes also discusses challenges involved in this exciting and still evolving field of inquiry on intergenerational harm of mass atrocities.

3.5. PART V—Reactions to atrocity crimes

Part V provides an overview of scholarship that examines reactions to atrocities with an emphasis on formal and official reactions. Since the 1990s, the field of transitional justice has developed as a separate field of academic inquiry examining how states, societies, communities, and individuals deal with past atrocity crimes, armed conflicts, and repressions. The authors of the seven chapters included in this part of the Handbook each provide a synthesis of and critically reflect on the existing research on different elements of transitional justice: (criminal) accountability, seeking truth, providing reparations and apologies, or memorialization.

In Chapter 25, David Tolbert and Marcela Prieto Rudolph provide an overview of the history, effectiveness, and challenges of transitional justice in the 21st century. They trace the origins of the term, discuss its definitional ambiguities, and note how transitional justice and its practices have exponentially grown in scope (e.g., the diversity of transitional justice measures) and focus (e.g., the diversity of situations such measures are being applied to) over the past decades. They review some of the key issues currently facing the field, including transitional justice's uneasy relationship with criminal justice, gender justice, the role of victims, transformative justice, the template or "check the box" approach, and the role donors play in transitional justice efforts. Tolbert and Prieto Rudolph argue that these challenges continue to test the limits of the field of transitional justice, while practitioners and scholars alike continue moving past the conventional approaches, dogmas, and boundaries of the field. While welcoming many of these developments, they warn that expanding the limits of transitional justice may render the concept and field incoherent or useless by encompassing too much.

p. 18 Nancy Amoury Combs, in Chapter 26, focuses on international criminal courts and tribunals as the primary mechanisms established to address atrocity crimes at the international level. She notes how international criminal justice has occupied the imagination of many scholars, policy makers, and practitioners since the 1990s. Combs surveys international criminal law scholarship and demonstrates the dramatic evolution that has taken place in the attitudes and expectations of scholars, popular commentators, and practitioners of mass atrocity trials: from limitless optimism and celebrations in the 1990s toward a much more skeptical, reflexive, and critical stance nowadays. She outlines some of the most serious difficulties that practically impede the criminal prosecution of mass atrocities. Although some of these difficulties are legal doctrinal in nature, international criminal law's most pressing challenges emanate, according to Combs, from non-legal sources. In particular, she highlights international criminal law's selectivity and its evidentiary impediments. These and other problems more broadly underline what Combs considers the field's most pressing overarching difficulty: the stark mismatch between the ideals to which it aspires and the reality in which it is mired.

Chapter 27, written by Kim Thuy Seelinger and Elisabeth Jean Wood, continues with the focus on criminal prosecutions of atrocity crimes but zooms in on one of the novel aspects of modern international criminal justice: investigations and prosecutions of sexual violence as atrocity crimes. Thuy Seelinger and Wood analyze how recent social-scientific research on sexual violence by armed actors may impact the legal

practices of international criminal courts and tribunals. In particular, they focus on a fundamental challenge to prosecutions of both rape and other forms of sexual violence, which, as social scientists have identified, may be committed frequently by members of an armed organization without being ordered or authorized as policy. Thuy Seelinger and Wood term this bottom-up phenomenon “sexual violence as practice.” As such, sexual violence as practice is driven by gender norms held by combatants and commanders alike. Thuy Seelinger and Wood argue that attention to these social dynamics can enhance prosecutors’ gender analysis and investigation of crimes committed within an armed conflict. According to them, charging sexual violence that occurs as practice calls for specific characterizations of the offense and modes of liability.

Jeremy Julian Sarkin, in Chapter 28, shifts attention to the absence of criminal accountability, focusing instead on those instances where an amnesty was declared, and discusses the interrelationship between amnesties and truth commissions. Sarkin observes that in the aftermath of mass atrocities, dozens of truth commissions, hundreds of amnesty processes, and a multitude of other similar mechanisms have been established around the world. Sarkin illustrates an important paradox: while blanket amnesties for atrocity crimes are now almost universally condemned, amnesties play a much more ambiguous role within truth commission processes, which oftentimes do not seek to legally determine whether an act constituted atrocity crime. After defining amnesties and truth commissions, Sarkin discusses their complex interrelationship and examines how (past) amnesties affect the work of truth commissions in countries where both processes co-existed. He focuses on the South African Truth and Reconciliation Committee as the first and only truth commission in history with the power to directly grant amnesty. Sarkin then explores the role of amnesties vis-à-vis truth commissions in various contexts—such as Grenada, Indonesia, the Democratic Republic of the Congo, Nepal, East Timor, Liberia, Kenya, and South Korea—to understand how the fact that these bodies only had the power to recommend amnesty affected their quest to deal with past mass atrocities.

Chapter 29 focuses on a topic in transitional justice that has attracted less extensive coverage: the use of “traditional” or customary practices. Although scholarly attention is lacking, customary practices are often used after conflicts or mass violence to deal with the consequences of atrocity crimes and help rebuild societies and communities, as Joanna R. Quinn demonstrates. She describes some contexts in which customary justice has been used and discusses the changing nature of customary justice responses. Quinn assesses the often-problematic relationship between customary and formal law and demonstrates some of the dilemmas via her fieldwork tied to two case studies: Uganda and the Fiji Islands. Quinn argues that the use of customary justice in the aftermath of atrocities (similar to other transitional justice measures) can encounter challenges, including issues of power and legitimacy, cross-ethnic applicability, the potential for corruption, and difficulties with quality and inclusion.

p. 19 In Chapter 30, Stephanie Wolfe turns readers’ attention to reparations and apologies, which have emerged as important mechanisms of transitional justice, especially since the 1990s. Wolfe traces their historical developments and discusses how reparations and apologies developed as norms of redress, as well as expectations of those who have been harmed by atrocities. According to Wolfe, however, in isolation, these measures can be (and have been) used by states to avoid coming to terms with past injustices. Reparations without an apology have been derogatorily referred to as “blood money” or a payout for lives lost; while apologies without reparations have likewise been flawed, often seen by the victims as hollow words utilized to deflect true responsibility. Conversely, Wolfe argues that when utilized together, apologies and reparations can form the beginning of an apologetic stance: a clear indication that state actors express remorse for the atrocities state has been involved in coupled with true engagement with those that it victimized.

Nicole Fox’s Chapter 31, the final chapter of this part, focuses on memory, memorialization, and memorials. Similar to the other transitional justice mechanisms, memorialization and memorials of past atrocities offer many possibilities but also face many challenges, according to Fox. Memorialization processes and outcomes highlight the complicated dynamics of dealing with past atrocities, such as who are and are not included as victims of atrocity; how to foster collaboration among many different stakeholders; and how to respectfully respond to public dialogues and controversies. Fox illustrates these issues by discussing various post-atrocity memorials from around the world via an examination of the three historical movements central to the emergence of contemporary memorial culture: the 1990s memory boom, the human rights movement, and the justice cascade.

3.6. PART VI—Case studies

Part VI of the Handbook consists of original case studies selected in order to provide examples of atrocity crimes, as well as applications of the theories and research reviewed in the Handbook. We carefully chose the case studies to provide readers with original research on cases that are often understudied, stem from different regions of the world, and can be seen as prototypical examples of each category of atrocity crimes. However, as the case studies show, in practice mass violence is often confounded and multifaceted. More often than not, the crimes committed within violent contexts can be classified under multiple categories of atrocity crimes. Each author covers concepts raised in the Handbook, including but not limited to history, causes, actors, victimization, consequences, and reactions to atrocities. Therefore, in this final part of the Handbook, readers can delve into an original, comprehensive, and condensed overview of relatively understudied situations of atrocity crimes.

3.6.1. War crimes

p. 20 In Chapter 32, Joris van Wijk challenged himself “to convince the reader that when studying atrocity crimes and their aftermath, the case of Angola deserves to be included.” Based on his own fieldwork and long-term interest and research in the country, he describes and analyzes war crimes committed during the 27-year armed conflict in Angola, as well as, only until very recently, the complete absence of transitional justice measures adopted thereafter. ↪ After a war of independence against the Portuguese colonizer, Angola experienced a civil war from 1975 to 2002. Van Wijk argues that the conflict could be characterized as a proxy of the Cold War in the 1970s and 1980s, which turned into a “greed”-based war over the control of natural resources in the 1990s. During the prolonged armed conflict, numerous war crimes, and arguably also crimes against humanity, were committed. An estimated 500,000 to one million people died as a consequence of the hostilities, and the country was infected with landmines. When a peace agreement was signed in 2002, it included a blanket amnesty for all former warring parties. As such, van Wijk analyzes why and how—in the absence of any accountability mechanisms—alternative strategies to truth seeking, reconciliation, commemoration, or memorialization have only been adopted to a very limited extent. Put another way, he asks: how and why had forgetting become an official Angolan policy?

In Chapter 33, we journey from Africa to Latin America. Oliver Kaplan discusses Colombia, a country which just recently emerged from a more than 50-year civil war and is now actively dealing with consequences of this prolonged violence. In contrast to Angola’s “forgetting” approach, the Colombian government launched a comprehensive, and very complex, transitional justice program in 2016. This program is meant to address past atrocity crimes, dispense accountability, uncover the truth, and satisfy victims. Kaplan reviews diverse forms of atrocities committed by a variety of actors that have been classified as war crimes, crimes against humanity, or even genocide by some. He identifies several extermination campaigns as well as other patterns of massacres, forced displacements, and targeted political killings. Beyond these grave harms, Kaplan also documents the widespread reaction to atrocities by the government and civil society. He concludes with a characterization of the continuing threats of violence in Colombia, as well as a research agenda that offers hope for making the phrase *nunca más*—never again—a reality.

3.6.2. Crimes against Humanity

Chapter 34, written by Jess Melvin and Annie Pohlman, takes readers to Asia and provides a detailed overview and analysis of a historical case of crimes against humanity committed in Indonesia in 1965–1966. Melvin and Pohlman describe how, in October 1965, the Indonesian military took over the government and mobilized national and religious militias to assist in wiping out the Indonesian Communist Party (PKI). Up to one million people were killed, and a further one-and-a-half million were held in detention camps for their alleged Communist affiliations. The military government fell in 1998, and in the two decades since, there has been no political will to investigate or redress the state-led atrocities committed by Indonesia’s military. In 2012, the Indonesian National Commission for Human Rights released a landmark report into the 1965 atrocity crimes, finding strong evidence of crimes against humanity. Similar to the Angolan case, however, the Indonesian government did not follow its promise and initiate prosecutions or any other redress measures. Instead, it has, according to Melvin and Pohlman, been determined to dig a hole and bury the past atrocities deep out of sight.

In contrast to the Indonesian “amnesia,” the case of Ethiopia, discussed in Chapter 35 by Thijs B. Bouwknegt and Tadesse Simie Metekia, is an example of a country where transitional justice, trials, and

p. 21 punishment of perpetrators of (some of the) atrocity crimes took place on a massive scale. Bouwknecht and Metekia describe how Ethiopia has experienced ↪ a gamut of mass atrocity violence over the last century. Colonial, political, and ethnic violence have been cyclical phenomena and have often escalated into atrocity crimes against civilians. They argue that these cycles of violence can be best classified as crimes against humanity that often overlap with war crimes and episodes of genocide. It is notable that in Ethiopian law, the concept of crimes against humanity, in contrast to international criminal law, is understood as an umbrella category covering all categories of atrocity crimes. After discussing causes, actors, victims, and consequences of the different episodes of mass atrocities in Ethiopia since 1936, Bouwknecht and Metekia turn their attention to transitional justice mechanisms adopted in their aftermaths. They argue that when it comes particularly to atrocity crime prosecutions, Ethiopia has been spearheading trends in international law and transitional justice, but has done so on its own terms.

3.6.3. Genocide

The final two chapters turn the discussion to genocide, the final category of atrocity crimes, and feature a more historical and a more recent case of this group-destructive atrocity. Chapter 36, written by Naomi Roht-Arriaza, describes and analyzes various atrocity crimes committed during the armed conflict in Guatemala between 1960 and 1996. Roht-Arriaza focuses in particular on the genocide committed against indigenous peoples descended from the Maya, which took place in the early 1980s. Roht-Arriaza traces the causes, actors, and aftermath of the atrocity crimes and assesses how the atrocities were dealt with after the signing of a peace accord in 1996. In this portion of the chapter, she focuses on the complexities of the 2013 genocide trial of former dictator Efraín Ríos Montt and his chief of intelligence Rodríguez Sánchez, charged with 1,771 murders and the forcible displacement of 29,000 individuals. The trial was truly historic, as it was the first time a national court in Latin America held its own former leader to account for genocide. Yet, Ríos Montt died before the final verdict, and Rodríguez Sánchez was acquitted. The result thus was, according to survivors cited by Roht-Arriaza, that “genocide was committed but somehow no one is responsible.” For many of the indigenous peoples, however, the trial of Ríos Montt and the other genocide trials were a vindication of sorts as an official acknowledgment that they had been wronged, according to Roht-Arriaza.

The last chapter of the Handbook, Chapter 37, written by Kjell Anderson, discusses one of the most recent cases of genocide that was widely broadcast—the genocide against the Êzidîs (Yazidis) committed by the Islamic State (IS) in the Sinjâr in northern Iraq, which commenced in 2014 and is arguably still ongoing. Anderson recounts how when he visited the place of the massacre in 2016, it “was a scene of utter devastation [and] there was not much city left to speak of.” In his chapter, based on his own interviews and existing sources, Anderson considers intercommunal relations before the Sinjâr Massacre, the nature of IS’s violent campaign, and questions of identity, legal accountability, and victim trauma after the massacre. He argues that the killing, forced displacement, forced conversion, forced marriage, and the destruction of Êzidî cultural property committed by IS can indeed be classified as genocide. He discusses the domestic and international reaction to the genocide and outlines relatively meek accountability prospects. Anderson emphasizes a need for further research to document the violence and to give voice to the survivors.

p. 22 Anderson concludes his chapter, and the Handbook as such, using powerful words of an Êzidî monk ↪ he interviewed in Lalish: “There are many beautiful flowers in this world. We are but one color. Don’t let us disappear.”

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Notes

- 1 Quotes from Waad al-Kateab and Edward Watts (2019), *For Sama*. Documentary. Produced by Channel 4 News/ITN Production for Channel 4 and *Frontline* PBS. More information available here: <https://www.forsamafilm.com> (accessed: March 18, 2020).
- 2 Human Rights Watch (2019). World Report 2019: Syria—Events of 2018. Available here: <https://www.hrw.org/world-report/2019/country-chapters/syria> (accessed: March 18, 2020).
- 3 Rome Statute of the International Criminal Court (adopted July 17, 1998, entered into force July 1, 2002) 2187 UNTS 90 (Rome Statute), Preamble. The international prosecutions and trials of perpetrators of what we here refer to as “atrocities crimes” were first undertaken after the Second World War, when Allies held to account the leaders of Nazi Germany and Japan in the International Military Tribunals in Nuremberg and Tokyo. In the 1990s and early 2000s, many international(ized) criminal courts and tribunals dealing with specific situations of mass atrocities were established, such as the International Criminal Tribunal for the former Yugoslavia (Statute of the International Criminal Tribunal for the Former Yugoslavia (adopted May 25, 1995) UNSC Res 827(1993), as amended (ICTY Statute), the International Criminal Tribunal for Rwanda (Statute of the International Criminal Tribunal for Rwanda (adopted November 8, 1994) UNSC Res 955(1994), as amended (ICTR Statute), or the Special Court for Sierra Leone (Statute of the Special Court for Sierra Leone (adopted January 16, 2002) pursuant to UNSC Res 1315(2000) (SCSL Statute).
- 4 Convention on the Prevention and Punishment of the Crime of Genocide (adopted December 9, 1948, entered into force January 12, 1951) 78 UNTS 277 (Genocide Convention).
- 5 United Nations (2015) *General Assembly: Report of the Secretary General*. New York. A/70/1. Available at: https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf (accessed: March 18, 2020).
- 6 See also Chetham (2020), who argues that three elements clearly distinguish atrocity crimes: (i) their scale; (ii) their systematicity; and (iii) the gravity of the harms.
- 7 Rome Statute, art 6; ICTY Statute, art 4; ICTR Statute, art 2.
- 8 Genocide Convention, art II.
- 9 Case *Akayesu* (Trial Judgment) ICTR-96-4 (September 2, 1998).
- 10 Certain forms of crimes against humanity, however, entail a discriminatory, group-selective element, such as persecution or the crime of apartheid.
- 11 Rome Statute, art. 7, ICTY Statute, art 5, ICTR Statute, art 3.
- 12 Debates on creating such a treaty have been ongoing for several years (Sadat, 2011).
- 13 Rome Statute, art. 7.
- 14 See, for example, the Convention Respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (adopted October 18, 1907, entered into force January 26, 1910) (Hague Convention); Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted August 12, 1949, entered into force October 21, 1950) 75 UNTS 31; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (adopted August 12, 1949, entered into force October 21, 1950) 75 UNTS 85; Geneva Convention Relative to the Treatment of Prisoners of War (adopted August 12, 1949, entered into force October 21, 1950) 75 UNTS 135; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted August 12, 1949, entered into force October 21, 1950) 75 UNTS 287.
- 15 Rome Statute, art 8.
- 16 UN Atrocity Crimes Framework, 2014, p. 1.
- 17 Rome Statute, art. 8 *bis*.
- 18 Harvard Crimson (1946) “Glueck Declares Nuremberg Trial Triumph of Law.” Available at: <http://www.thecrimson.com/article/1946/10/2/glueck-declares-nuremberg-trial-triumph-of/> (accessed: March 18, 2020).