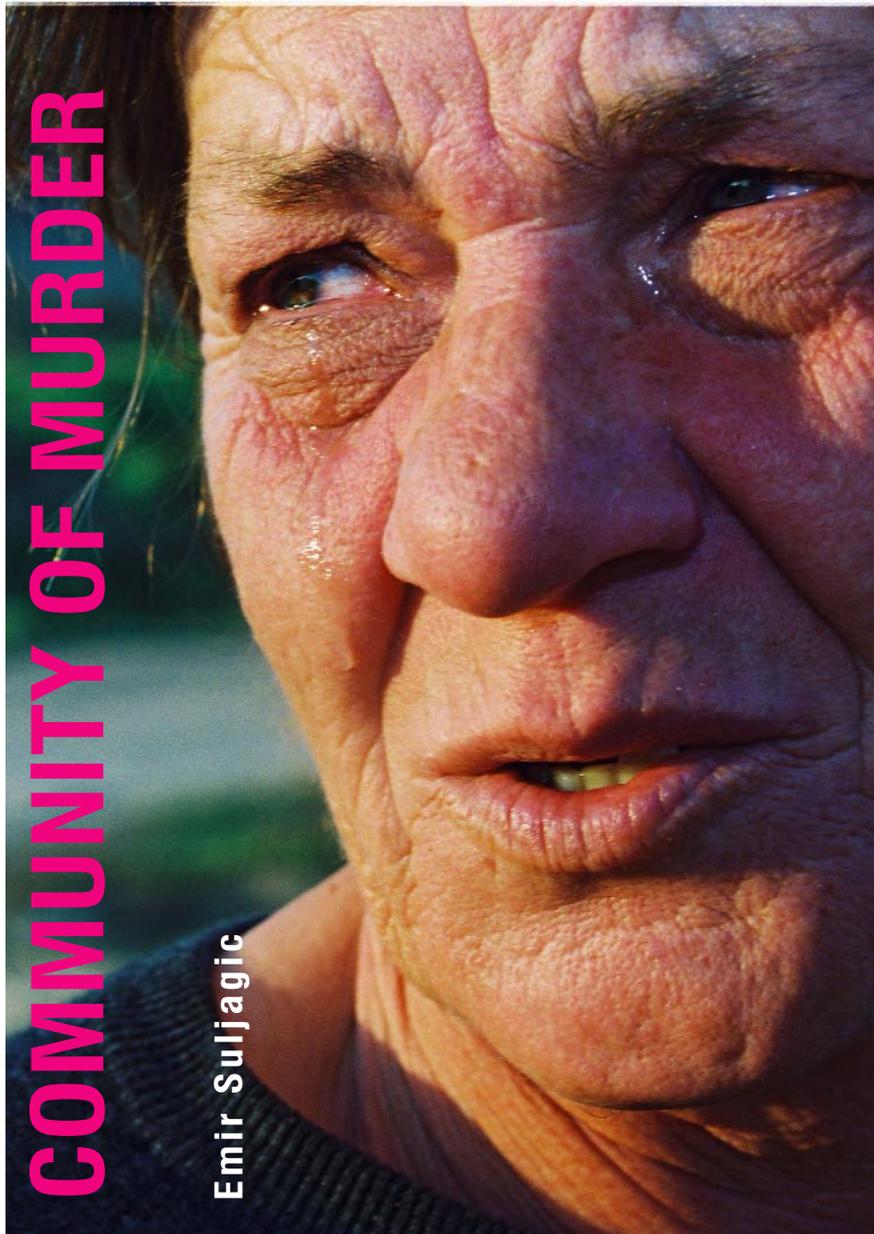


COMMUNITY OF MURDER

Emir Suljagic



Edition
Listen / Talk / Reflect / Trust

Emir Suljagic
Community of Murder

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introduction

The crime is horrific in its scope; its perpetrators identify entire human groups for extinction. Those who devise and implement genocide seek to deprive humanity of the manifold richness its nationalities, races, ethnicities and religions provide. This is a crime against all of humankind, its harm being felt not only by the group targeted for destruction, but by all of humanity.¹

¹ *Prosecutor vs. Radislav Krstic, Judgment, (IT-98-33), ICTY, 19 April 2004, <http://www.un.org/icty/krstic/Appeal/judgement/krs-aj040419e.pdf>; Accessed on 5 September 2005*

The process in which regimes implicate ordinary population, law abiding men and women into commission of extraordinary evil is at the heart of genocide. In fact, success of any genocidal plan is contingent on implicating and involving in one way or another, substantial numbers of population. The process, in which the ordinary men and women are either made to support with more or less enthusiasm annihilation of an entire group, or look the other way and profit from it, is essential to any genocidal undertaking in that it provides the common denominator for killers, those who pull the trigger

and community at large. On the other hand, it also ensures the conspiracy of silence on the part of perpetrator's community, once the crime is committed.

The question therefore, is not whether ordinary people take part in genocides. They just do. Recent research of the Holocaust shows that majority of murderers were most of the time very normal, and by all standards sane human beings². The question is not *why?* either. Multiplicity of motives, reasons that can drive an individual to willingly take part in destruction of human lives are perhaps too complex and beyond human insight; ways in which individuals take part in genocides also differ, as much in terms of degree of personal involvement as in whether an individual considers killing only his or her job on the one, or takes pleasure in hurting others, on the other hand. Why people kill and take part in genocide is by all standards an interesting question, and while many important contributions to the nature of genocide have been made in that department, I will not pursue it. The reason being that the most important question related to genocide is *how?*: what is the process in which ordinary people, and impressive numbers of ordinary people at that, end up mur-

dering or consenting to the murder of others? I believe that examining this dynamic may provide clues as to why majority of genocidal attempts have been so successful and why so many people take part in genocides. Successfulness of genocide is also a matter of perspective, because evidently there are still Armenians, Bosnian Muslims, Jews and Tutsis in the world. Genocide therefore, can not be thought of as a global enterprise - perhaps with the exception of Holocaust, which was a continent-wide attempt - to annihilate every living member of the targeted group. Genocides are localized events, with "the scope, pace and success of murder"³ depending on the specific historical and social circumstances.

Even more critically, and that is what this thesis will demonstrate, participation of ordinary people in genocidal efforts is *conditio sine qua non* for any such plan to work. The reason is simple: although state, or a state agency or an entity resembling it, is always the instigator and main perpetrator of genocide, it is too large a crime for state only to rely on a handful members of the apparatus. Secondly, and as importantly, even the most totalitarian states would not have and have not historically speaking embarked on such plans with-

out first testing community at large and its willingness to go along with their plans. Number of victims is always higher than the number of perpetrators, but the number of perpetrators is never as low as most of us would like to believe. And thirdly, despite the role of modern state in genocide, "much of the reality of genocide always occurs on the local level in the interaction between friends and neighbors, as well as the encounter with and reception of forces arriving from outside the community"⁴.

The process is always top-down and initiated by a state or an entity resembling a state⁵; it is a process that takes place within the society; eventually, people who are driven to kill, do it in their social, rather than personal capacities. Participation, for the purposes of this paper, does not only include actual killing, but includes all those individuals in a community who are more or less willingly implicated in one or more aspects of genocide. There are of course different degrees of complicity and participation that fall short of actual killing. Mass human rights abuses, such as genocide, involve the participation at many levels of large segments of the population, and are not normally single isolated acts of

an individual perpetrator⁶. For, genocide is as much about accepting promotion at work by filling a place emptied after its Jewish, Tutsi or Bosnian Muslim occupant has been taken away and summarily shot by SS, *Interhamwe*⁷ or White Eagles⁸, as it is about pulling the trigger. It is as much about continuing to drive a school-bus whilst one's neighbors are disappearing, as much as it is about driving in that same bus camp inmates to the execution site. Genocide is about taking one's neighbor's cattle stock and tractors as it is about turning gyms and factory halls into makeshift murder-camps.

Genocide is carried out in silence. It is precisely this silence which provides for successes of genocides throughout history. No society or public opinion can really be said to have enthusiastically supported mass murder or genocide; but, their indifference and silence have been as murderous. This paper will show that participation⁹ and complicity of a substantial part of perpetrators' society is essential to genocide; it will also show that it happens as part of a process that takes place under historically, politically, economically and culturally conditioned circumstances.

The first chapter will deal with the notion of genocide, theoretical as well historical part of the development of the notion of genocide and its codification and after the examination of relevant juridical practice detect how the nature of genocide has evolved over the years. The second chapter shall overview different definitions of genocide, establish the least common denominators, offer a working definition for the purposes of the thesis and then lay out the analytical framework stemming from the definition. The third chapter will then test the analytical framework along various historical examples of genocide. The fourth chapter will focus on one of the elements of analytical framework, substantial societal support and demonstrate the vitality of the role that ordinary men play in such extraordinary events as genocide.

Notes

2 Perhaps the finest recent example of the study the ordinariness of extraordinary evil is Christopher Browning's *Reserve Police Battalion 101*, which demonstrates how a group of police officers from Hamburg, by all means ordinary and even second-rate troops in the German military and police apparatus were turned over time into murderers responsible for over one hundred thousand deaths in the German-occupied territories in Eastern Europe. Another important contribution to the research into ordinariness of genocides is an oral history study *What We Knew: Terror, Mass Murder and Everyday Life in Nazi Germany*, based on interviews with several hundred Germans and German Jews, covering period from the Nazi ascent to power until their defeat. Shockingly or not, the results show that significant part of the population was aware of what had been happening to their Jewish neighbors very early on.

3 Kissi, Edward. "Rwanda, Ethiopia and Cambodia: links, fault lines and complexities in a comparative study of genocide", *Journal of Genocide Research* March 2004

4 Bartov, Omer. "Seeking the Roots of Modern Genocide: On the Macro - and Microhistory of Mass Murder", Gellately Robert and Ben Kiernan (Eds.) *Genocide: Mass Murder in Historical Perspective*, Cambridge University Press, Cambridge 2003

5 "State" or "state apparatus" will be used in this work to refer to any body that has all traditional attributes of a state - not necessarily internationally recognized - but rather exercising authority over a territory and a population, and having a monopoly of force over a given territory.

6 May, Larry. *Crimes Against Humanity: A Normative Account*, Cambridge University Press, Cambridge, 2005

7 "Those who attack together": the Hutu extremist militias created by the clan of President Juvenal Habyarimana in early 1990s, trained by Rwandan army and sometimes, locally, by French soldiers (Hatzfeld, Jean. *A Time for Machetes - The Rwandan Genocide: The Killers Speak*, Farrar, Straus and Giroux, New York, 2005)

8 A Paramilitary formation, trained and equipped by the State Security Service of the Republic of Serbia, but associated with Vojislav Seselj,

an ultranationalist politician and MP in Serbia. *Prosecutor vs. Jovica Stanisic and Franko Simatovic*, (IT-03-69), <http://www.un.org/icty/indictment/english/sta-ai031209e.htm>
Accessed on 5 September 2005

⁹ Term "participation" as used in this work includes, but is not limited to actively taking part in killing members of a targeted group; the term also refers to going along, not voicing opposition or acting against it, taking advantages, material or immaterial, of genocide and in effect legitimizing actions by state apparatus.

I Genocide:

Historical and Theoretical Overview

Holocaust: Back to the Future

It was Winston Churchill who first openly referred to genocide as a "crime without a name" in a radio broadcast shortly after the beginning of World War II. Describing Nazi policies against Jews and other populations of the occupied Europe, he said: "The whole of Europe has been wrecked and trampled down by the mechanical weapons and barbaric fury of the Nazis... As his armies advance, whole districts are exterminated. We are in the presence of a crime without a name"¹. The name itself would be coined some three years later, by a

Polish scholar of Jewish origin, Raphael Lemkin², as World War II was nearing its predictable outcome. Lemkin, who lost his parents in the Holocaust, was dedicated solely to the issue of destruction of groups for years already. Between 1921, when Soghomon Tahlirian, an Armenian genocide survivor, assassinated Talaat Pasha, who was one of the principal architects of the murder, and 1933, the year of the Nazi ascent to power Lemkin developed the legal basis of concepts of "barbarity" and "vandalism"³. He advanced both ideas at the Fifth International Conference for Unification of Penal Law, held in Madrid, in the form of draft law banning the crime of "premeditated destruction of national, racial, religious and social collectivities" and "the destruction of works of art and culture, being the expression of the particular genius of these collectivities"⁴. Lemkin's proposals were coldly turned down. By 1944, it was obvious even to outsiders that what was going on within the realm of Nazi Germany had no precedent in either size or nature. It was so different from everything else in human history that it had to be given a new name.

An Ancient Word for a Modern Crime

It was that year that Lemkin published a book he believed would change history, *Axis Rule in Occupied Europe, Laws of Occupation, Analysis of Government, Proposals for Redress*. Along with a very detailed analysis of Nazi government and regulations underpinning its extermination policies, Lemkin also proposed the word for its all-encompassing attempt to annihilate groups of people deemed to be racially inferior. The word itself was a combination of derivatives of Greek word for nation, tribe or race, *geno* and *cide*, Latin derivative from *caedere*, meaning killing⁵. Genocide under his definition does not necessarily mean all-out destruction of people, but rather it signifies a coordinated attack with the aim of destroying its foundations for life.⁶ This new crime unfolds in two phases, "destruction of the national pattern of the oppressed group" and "the imposition of the national pattern of the oppressor"⁷. Furthermore, Lemkin explained, genocide differs from all other crimes in that it is carried out through a synchronized attack on almost all aspects of life of targeted groups: political, social, cultural, economic, religious, and

moral as well as the field of physical existence⁸. Genocide, however, from the legal point of view, was not yet a crime in 1944 and it took years before it made its way into a binding international legal document. The first ever legal proceedings to refer to genocide - somewhat shyly - were the Nuremberg trials of the leading officials of the Nazi regime. Nuremberg trials eventually provided the impetus for a chain of events which would end with the adoption of Convention on the Prevention and Punishment of Crime of Genocide in 1948.

From Charter to Convention

The development of the notion of genocide is intertwined with the laws and customs of war, regulating conduct warring parties. The beginnings of the prosecution of state-perpetrated crimes were not very promising, with Istanbul trials of the architects of Armenian genocide, as well as the Leipzig trials of German officers charged with war crimes in the Western front ending in a failure⁹. With the end and outcome of World War II already in sight, the Allies set about planning prosecu-

tion of suspected war criminals: the first step in that process was the signing of Moscow Declaration in November 1943¹⁰, by I.V. Stalin, F.D. Roosevelt and Winston Churchill. The Declaration provided that German officers and men and members of Nazi Party who had been responsible for any atrocities would be tried either by the countries in which they committed the crime or in another way to be worked out by the Allies¹¹. In August 1945 the Allied Governments signed the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, which contained the Charter of the International Military Tribunal as its integral part¹². The Charter was novel in that it provided that official position could not exempt any defendant from responsibilities for crimes and defined as falling under its jurisdiction the following crimes: "(a) *crimes against peace*; (b) *war crimes*; (c) *crimes against humanity*"¹³. Even though the third count of the October 1945 indictment against 24 high Nazi officials¹⁴ stated that all defendants "conducted deliberate and systematic genocide viz., the extermination of racial and national groups, against the civilian population of certain occupied territories"¹⁵ the German officials were

only tried for those crimes committed after the breakout of war. Crimes which took place before the breakout of war, especially against German Jews, before German Army crossed international borders, had gone unpunished. A step closer to the international recognition of the crime of genocide as a distinct crime was the adoption by the UN General Assembly of the Resolution on the Affirmation of the Principles of International Law recognized by the Charter of the Nuremberg Tribunal in December 1946¹⁶. In turn, the resolution prompted drafting and adoption of the Convention on the Prevention and Punishment of the Crime of Genocide by the UN General Assembly at its meeting in Paris, on December 9, 1948¹⁷.

The Genocide Convention: A Closer Look

The Genocide Convention effectively closed the loopholes of Nuremberg, proclaiming genocide a crime "whether committed in time of peace or in time of war"¹⁸ and reaffirmed that any persons guilty of genocide "shall be punished, whether they are constitutionally responsible rulers, public

officials or private individuals"¹⁹. Eventually, genocide was defined as:

"any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group"²⁰.

The Convention also proclaimed as punishable genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide²¹, called on states to adopt the legislation giving effect to the provisions of the Convention²², provided that anyone accused of genocide should stand trial before a "competent tribunal of the State... or by such international penal tribunal as may have jurisdiction"²³. The Convention transferred jurisdiction to the International Court of Justice (ICJ) to resolve any disputes regarding the interpretation, application and fulfillment of the Convention²⁴. The adoption

of the Convention was a giant leap in both, development of international law and limiting the powers a state could exercise against its citizens, but it still drew criticisms. There are two different camps of critics of the Convention. The first concerned with the lack of effectiveness, whereas the second is based on the exclusion of political groups from the definition of genocide. Thus, a Special Rapporteur appointed by UN Sub-Commission on Prevention of Discrimination and Protection of Minorities²⁵ in his 1978 report concluded that the Convention both, lacked measures to prevent and punish genocide and has not provided any effective measures to deter the perpetration of genocide²⁶. The following report, published in 1985 echoed this conclusion, and called for "further evolution of international measures against genocide"²⁷. The other line of line of criticism argues that exclusion of political groups is a clear-cut failure of the convention. The mass-murder of millions of Cambodians the Khmer Rouge²⁸, a number of authors argues is genocide, even though the grounds for persecution were political, and not national, racial or religious. Some of the scholars, however, still find it

a "workable definitional core for interdisciplinary analysis and application"²⁹.

Legal Practice: Back to the Meaning

It is a matter of historical record that ICJ has only once ruled on the application of the Genocide Convention, although states have perpetrated genocides more than once since its adoption. The explanation may lay in the fact that genocides following WWII unfolded as part of intra-state, rather than inter-state conflicts. After Bosnia and Herzegovina filed a motion for provisional measures against The Federal Republic of Yugoslavia in April 1993³⁰, the Court issued Order on provisional measure and three years later delivered Judgment on preliminary objections, proclaiming that it had jurisdiction in the case³¹. The case, regarding the application of the Convention is still pending, with the oral arguments of the proceedings scheduled to take place in February 2006³². Where individual responsibility is concerned, the International Tribunal for the Former Yugoslavia³³ (ICTY) and International Tribunal for Rwanda³⁴ (ICTR) have

dealt with cases involving genocide and provided new interpretations, prompting an evolution in the understanding of the nature of genocide and its constitutive elements.

In the twelve years of its jurisprudence, ICTY has found only one person guilty of aiding and abetting genocide" and pronounced the sentence of 35 years imprisonment³⁵. The ICTR has been dealing with cases involving genocide more extensively and it appears to be a charge that sticks before that court. The importance of the legal practice in ICTY and ICTR is related to the two basic, but perhaps as contestable elements of genocide: intent and the meaning of "whole or in part". In the case against Paul Akayesu³⁶, tribunal offered perhaps the most instructive way for determining the element of intent in genocide. Starting off from the point that intent is a mental factor, which is impossible to determine short of confession, the judges concluded that it still could be inferred "in a particular act charged from the general context of the perpetration of other culpable acts systematically directed against that same group, whether these acts were committed by the same offender or by others"³⁷. The Chamber also pointed out to other factors which could help deduce the exi-

stence of the intent, such as the scale of atrocities committed, their general nature, in a region or a country, or furthermore, the fact of deliberately and systematically targeting victims on account of their membership of a particular group, while excluding the members of other groups³⁸. The Akayesu Trial Chamber breathed new life into the very notion of "group destruction" interpreting it to encompass acts which do not necessarily result in death, but those that fall short of it as well. Acts of sexual violence perpetrated against Tutsi women in the Taba Commune in Rwanda came to be recognized as a vital contribution to the destruction of Tutsi as a group³⁹. Trial Chamber presiding in the case against Ignace Bagilishema⁴⁰, interpreted in its judgment "in whole or in part" to actually mean "a substantial part of the group".⁴¹

Both, ICTY and ICTR practice seems to have clarified the meaning of underlying acts of genocide. Killing is "homicide committed with intent to cause death shall be treated as murder". "Serious bodily or mental harm" is not only permanent or irremediable harm. "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part", is translated into all methods

which are, ultimately, aimed at physical destruction. "Measures intended to prevent births within the group" encompass sexual mutilation, enforced sterilization, forced birth control and forced separation of males and females, and prohibition of marriages. Finally, forcible transfer of children from one group to another is not only the physical act, but threats or trauma causing the transfer.⁴² The practice of the ICTY provided guidelines on the understanding of "in part" or "substantive part" element of genocide. The Appeals Chamber in *Prosecutor vs. Radislav Krstic* agreed with the finding of Trial Chamber that by intending to destroy the men of military age of Srebrenica, Krstic "had the requisite intent to destroy all the Bosnian Muslims of Srebrenica"⁴³. The Chamber reasoned that number of persons targeted should not be evaluated in absolute terms, but rather in relation to the size of the group and its importance in the survival of a group taking into account specificity of the targeted part⁴⁴. Genocide, evidently, does not mean outright elimination of the whole group; in fact, the importance of part of the group is no longer measured in numbers alone but in the relative importance of that part to the livelihood of the rest of the

group. The "damage" wrought on any group suffering genocide, does not have to be irreparable for individuals constituting it; if the group is damaged beyond recovery or if it should suffer long-term consequences, in political, economic and cultural terms as a result, that is genocide.

Nature vs. Context

The nature of genocide may have evolved over years and the means might have been modernized, but as much as it increased human capacity to kill modernization has also widened social basis for genocide⁴⁵, sucked more individuals into it, and essentially turned most of the segments of a society, almost entire societies, into accomplices to different degrees. Those degrees vary from enthusiastic and willing participants on the one extreme, to uneasy and hesitant bystanders on the other. Regimes bent on genocide have succeeded in finding allies in all strata of the society, aristocracy and academia, middle class and business community, peasants and artisans. The number of individuals awaiting trials before local gacaca courts in Rwanda is in the area of one

million, out of the population of eight and a half million⁴⁶. The argument may be made that Rwandan genocide was primitive in terms of technology of murder; the number of persons suspected of taking part in the killing (the actual and physical act of killing, itself) in Bosnia, in which both the number of victims is lower and which was carried out through use of the then of state-of-the-art conventional military technology, is bordering on ten thousand⁴⁷. The number of people involved in the Holocaust was certainly very high and involving all segments of the society⁴⁸. The societal support for genocide is not reflected only in the number of people who took part in the killing directly; it is as much reflected in how business, big and small get on board and profit from genocide; in how teachers turn against their former students, doctors kill instead heal their patients; in how professional soldiers throw away considerations of the laws of war and join or tolerate atrocities; in how authors, journalists and writers and singers provide the verbal ammunition sometimes more deadly than bullets, poison gas or machetes. To establish the relevance of this dimension to genocide is the central theme of the thesis. Because the Convention definition of

genocide has been criticized from various academic circles, the next chapter will briefly examine definitions of genocide proposed by a number of students of genocide. It will then try to establish the elements they have in common, point out different levels of genocide; detect actors, conditions necessary for genocide, requirements, indicators, activators and instruments of genocide; finally, for the purposes of the thesis, the next chapter will set out a working definition of genocide and analytical framework.

Notes

1 Churchill, Winston S. *The Churchill War Papers: The Ever-Widening War*, W.W. Norton, New York, 2000

2 To speak of genocide without mentioning Raphael Lemkin, who is sometimes referred as the "father of genocide" is impossible. Lemkin was born in 1901 and grew up in eastern Poland, near the town of Wolkowysk and at the age of five had a chance to witness a pogrom in which some seventy local Jews were killed; he studied philology and then law at the University of Lvov; he worked as a prosecutor. Six days after the invasion of Poland, Lemkin fled to Soviet-occupied part of Poland and then to Lithuania, from where he moved to Sweden after a short stay. He managed to secure a post at the Duke University and moved to the USA late in 1941. (*A Problem from Hell: America and the Age of Genocide*, Basic Books, New York, 2002)

3 Power, Samantha. *A Problem from Hell: America and the Age of Genocide*, Basic Books, New York, 2002

4 Freedman, Warren. *Genocide: A People's Will to Live*, William S. Hein & Co, New York, 1992

5 Jorgensen, Nina H.B. *The Responsibility of States for International Crimes*, Oxford University Press, Oxford, 2000

6 Lemkin, Raphael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace, Washington D.C., 1944

7 Lemkin, Raphael. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Carnegie Endowment for International Peace, Washington D.C., 1944

8 "Raphael Lemkin: Father of the Genocide Convention", *Jewish Digest Magazine*, January 1983, as quoted in *Genocide: A People's Will to Live*, William S. Hein & Co, New York, 1992

9 Sunga, Lyal S. *Individual Responsibility in International Law for Serious Human Rights Violations*, Martinus Nijhoff Publishers, Dordrecht, 1992

10 Ginsburgs, George and V.N. Kudriavtsev (Eds.) *The Nuremberg Trial and International Law*, Kluwer Academic Publishers, Dordrecht, 1990

11 Jorgensen, Nina H.B. *The Responsibility of States for International Crimes*, Oxford University Press, Oxford, 2000

12 Jorgensen, Nina H.B. *The Responsibility of States for International Crimes*, Oxford University Press, Oxford, 2000

13 *58 Stat. 1544, E.A.S. No. 472, 82 U.N.T.S. 280*, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

14 Jorgensen, Nina H.B. *The Responsibility of States for International Crimes*, Oxford University Press, Oxford, 2000

15 Power, Samantha. *A Problem from Hell: America and the Age of Genocide*, Basic Books, New York, 2002

16 *Resolution 95 (I) of the United Nations General Assembly, 11 December 1946*, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

17 Lippman, Matthew. "Genocide: The Crime of the Century, the Jurisprudence of Death at the Dawn of the New Millennium", *Houston Journal of International Law*, Vol. 23, 2001

18 Article 1, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

19 Article 4, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

20 Article 2, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

21 Article 3, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

22 Article 5, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

23 Article 6, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

24 Article 9, Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277, January 12, 1951, Balkan Human Rights Network, Human Rights Instruments, CD-ROM

25 Jorgensen, Nina H.B. *The Responsibility of States for International Crimes*, Oxford University Press, Oxford, 2000

26 Lippman, Matthew. "Genocide: The Crime of the Century, the Jurisprudence of Death at the Dawn of the New Millennium", *Houston Journal of International Law*, Vol. 23, 2001

27 As quoted in Lippman, Matthew. "Genocide: The Crime of the Century, the Jurisprudence of Death at the Dawn of the New Millennium", *Houston Journal of International Law*, Vol. 23, 2001

28 Kissi, Edward. "Genocide in Cambodia and Ethiopia", *The Specter of Genocide: Mass Murder in Historical Perspective* (Eds.) Gellately Robert and Ben Kiernan, Cambridge University Press, Cambridge, 2003

29 Kuper, Leo. "Theoretical Issues Relating to Genocide". Andreopoulos George J. (Ed.) University of Pennsylvania Press, Philadelphia, 1994

30 In part of the motion concerned with the application of the Genocide Convention, Bosnia and Herzegovina requested the court to declare that "That Yugoslavia (Serbia and Montenegro) has breached, and is continuing to breach, its legal obligations toward the people and State of Bosnia and Herzegovina under Articles I, II(a), II(b), II(c), II(d), III(a), III(b), III(c), III(d), III(e), IV, and V of the Genocide Convention". The other part of the motion deals with the violations of the sovereignty of Bosnia and Herzegovina and UN Charter by the then Federal Republic of Yugoslavia.
<http://www.icj-cij.org/icjwww/idocket/ibhy/ibhyframe.htm>
Accessed on 5 September 2005

31 Press releases, 13 September 1993 and 11 July 1996.
<http://www.icj-cij.org/icjwww/idocket/ibhy/ibhyframe.htm>
Accessed on 5 September 2005

32 Press release, 8 December 2004.
<http://www.icj-cij.org/icjwww/idocket/ibhy/ibhyframe.htm>
Accessed on 5 September 2005

33 The International Criminal Tribunal for the former Yugoslavia was established by the UN Security Council Resolution 827, passed on 25 May 1993. The tribunal has unlimited temporal jurisdiction over crimes committed in former Yugoslavia since 1991, and can only try persons, not political parties or organizations. Tribunal has authority to prosecute four clusters of offences: grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity and genocide. www.un.org/icty Accessed on 5 September 2005

34 International criminal Tribunal for Rwanda was established by UN Security Council resolution 955, adopted on 8 November 1994 with "the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994". <http://www.ictt.org/default.htm>

35 General Radislav Krstic was commanding officer of the Drina Corps Bosnian Serb Army, the military forces which UN Safe Haven of Srebrenica in July 1995, resulting in the annihilation of almost entire male population of that town. *Prosecutor vs. Radislav Krstic, Judgment*, (IT-98-33), ICTY, 19 April 2004,
<http://www.un.org/icty/krstic/Appeal/judgement/krs-aj040419e.pdf>
Accessed on 5 September 2005

36 Paul Akayesu was the governor of the province of Taba, indicted by the ICTR in early 1996. He was found guilty of genocide, sentenced to life imprisonment and transferred to Mali to serve the sentence.
<http://www.ictt.org/default.htm> Accessed on 5 September 2005

37 Paragraph 523, *Prosecutor vs. Jean-Paul Akayesu, Judgment*, ICTR-96-4-T, 2 September 1998, <http://www.ictt.org/default.htm> Accessed on 5 September 2005

38 Paragraph 523, *Prosecutor vs. Jean-Paul Akayesu, Judgment*, ICTR-96-4-T, 2 September 1998, <http://www.ictt.org/default.htm> Accessed on 5 September 2005

39 Paragraph 712, *Prosecutor vs. Jean-Paul Akayesu, Judgment*, ICTR-96-4-T, 2 September 1998, <http://www.ictt.org/default.htm> Accessed on 5 September 2005

40 Ignace Bagilishema was Bourgmestre of Mabanza, a Rwandan province, indicted by the ICTR in September 1999 and acquitted on all charges after a two years trial. *Prosecutor vs. Ignace Bagilishema, Judgment*, (ICTR-95-1A-T) 7 June 2001
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41 Paragraph 64, *Prosecutor vs. Ignace Bagilishema, Judgment*, (ICTR-95-1A-T) 7 June 2001 <http://www.ictt.org/default.htm> Accessed on 5 September 2005

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II Genocide:

The WHAT? And The HOW?

Genocides should be compared¹. Although a number of scholars argue that genocides differ from one another and that each is unique and that, especially in relation to Holocaust, comparing them would result in diminishing the size and proportions of suffering of one group of people², there are good grounds for comparison. The main reason should be to detect elements that different genocides have in common, whether in terms of historical or social pattern, the arena in which they unfold, in their structure and organization, as well as mechanisms and instruments which prominently feature in the execution of genocide³. The starting point in this discussion will be the very definition of geno-

cide, because so far there has not been a single generally acceptable definition of genocide in academic sense.

The What?

The word genocide is probably one of the most abused, misused and confused terms. People use genocide to describe situations which they find morally disgusting or reprehensible, and a number of persecuted groups, whether political or national, racial and ethnic, claim to have been victims of genocide⁴. A clear definition is therefore needed in order not to leave outside the ambit of the definition millions of innocent victims of genocide⁵. Identifying state as the perpetrator of genocide, Helen Fein develops the concept of life integrity threat in order to separate mass murder or state-sponsored terror against political opposition from genocide.⁶ She recasts some of the core elements of genocide as defined in the Convention and sets out new elements. Under her definition genocide is sustained purposeful action by a perpetrator with the intent to physically destroy a collectivity regardless of whether that collectivity is resisting or not⁷.

Fein argues that *victims are killed because of their membership in a group* and regardless of whether they surrender or resist, and finally, that the destruction is sanctioned by the state. It is not clear however, where "life integrity threat" stops and genocide begins. The line, in reality, seems to be much finer than Fein had proposed it, and finding clear-cut cases of where one stops and the other begins seems too difficult. Relying too much on war to explain the context of genocide⁸, Fein makes a common mistake in that although genocide sometimes takes place during war, in the twentieth century it has been a smokescreen for genocide. What was reported on as war in Rwanda, Bosnia and Armenia was genocide in reality; what was portrayed as German war of expansion turned out to be, at least in part, a perfect cover for the perpetration of Holocaust.

Israel Charny proposed an almost all-inclusive, "generic definition" as he termed it, to include any mass-murder perpetrated by the state, but he concurs with Fein that it has to happen under conditions of "the essential defenselessness and helplessness of the victims". Under this proposal genocide could be categorized into the following four categories:

intentional genocide, genocide in the course of colonization or consolidation of power, in the course of aggressive ("unjust") and genocide as a result of ecological destruction and abuse. He further extends the definition to include the concept of the *accomplice* to genocide, a qualification reserved for persons, institutions, companies or governments who "knowingly or negligently" assist, prepare or furnish the perpetrators with means necessary to commit genocide⁹. His definition is certainly too inclusive, and although his concerns are deeply humanistic, genocide is so grave a crime that to include all other state-perpetrated crimes is to open the door to further abuse of genocide.

Peter Du Preez points out the element of *rationality in genocide*, a business like use of forms of rationality: talk, skill, strategies, model solutions, premises and general assumptions. He makes another distinction, important to the very notion of the understanding of genocide, a difference between pragmatic and *ideological* genocides. He also offered a new category of despotic genocide, based on personality cults, but although sometimes accompanying genocide, it is not by itself enough to trigger the genocide

mechanism¹⁰. The weak link of this definition is the division into pragmatic and ideological genocides; there is always an ideology underlying genocide, but all genocides are pragmatic in the sense that they take place only after conditions are in place and the opportunity is there to do it.

Dadrian widens the definition in terms of delimiting the "perpetrator" element and sees it as a successful attempt by a dominant group, vested with formal authority or informal power "to reduce by coercion or lethal violence" another group¹¹. This means that state, first of all sanctions murder before any such act could be qualified as genocide; in structural terms it means that states not only do not commit genocides transparently, but that important parts of the process are shrouded in secrecy and vital roles in the execution of crimes can be played by informal but state-sponsored actors¹². In organizational terms it means that some regimes have such actors in-built and that others rely on them, often in the form of *clandestine or semi-clandestine organizations*¹³. Because genocide, according to Chalk and Jonahsson, always has the elimination of a real or potential threat in the background¹⁴, it often takes place in struggle for domination

in a society or state, or in the process of re-definition of power-relations between groups within the same society.

Horowitz's definition, although focused on *state power*, as primary perpetrator, is important in that his typology heavily accentuates the social character of genocide. In fact, Horowitz identified eight types of societies, with genocidal society on the one extreme of the scale and permissive society, on the other. Key to understanding this typology is the amount of power that states exercise over society¹⁵. The state has the resources and the power to do it, but before genocide is to unfold, a process takes place during which *society re-shapes its value-system*¹⁶ to exclude targeted groups from "universe of obligation"¹⁷. Exclusion takes place in the *process of de-humanization*¹⁸ of the targeted group. Modern technology facilitates de-humanization, usually in the form of stereotyping and scapegoating; states have an ever growing ability to reach out to numbers of people previously unimaginable and modern communications and technology in the hands of state can be turned into lethal weapon¹⁹. The vehicle of this process is intensive propaganda, whereas mass media are the usual instrument. De-humanization is

linked to another process, that of *demise of the rule law*²⁰, in which, once they are excluded from the moral universe, it is no longer illegal to kill members of targeted group and their guarantee of physical security by the state, is revoked. What follows is the summary of the commonalities of different academic attempts to define genocide, which more or less outlines how it unfolds.

The How?

There are, evidently, a number of common features to different genocides. The first and the principal is the actor: state. The state, however, does not have to act openly, but the crucial point is that violence is sanctioned by the state and that perpetrators act as agents of state, whether with formal authority or informal blessing. In addition, state provides perfect cover for some sort of core group which is always to be found in the heart of genocidal operation, either in ideological or doctrinal and organizational terms, or both. For an attack to be genocide, there are two requirements: intent²¹ and that victims are killed because of the member-

ship in the targeted group. Quasi-states, or actors not internationally recognized as states can also be behind genocide. The state as referred to hereinafter is also meant to include an entity which is not necessarily recognized as a state, but has the three main characteristics of one: territory it controls, population over which it exercises its authority and clearly, a monopoly of force. These entities maybe characterized, and most of the time they are, by an absence of relevant legislative powers, with the executive branch of government being substantially increased, as was the case with Republika Srpska in Bosnia and Herzegovina, the interim Government of Rwanda which perpetrated genocide and in Turkey, once the Young Turks took control of the state apparatus²².

Ideology, which is another commonality to genocides, can always be traced to a very small group of conspirators, whether the doctrine comes from academic or scientific community or the fanatical core of a political party, or both²³. The implementation of the ideology or doctrine is then entrusted to an elite group, either in the form of special and

secret organizations or paramilitary arm of the regime, or both²⁴.

Conditions conducive to genocide or under which genocide is possible can be differentiated into two different groups: external and internal. External are those situations which usually involve an aggressive war²⁵, whereas internal conditions are revolutions, changes of political system, redefinition of the borders within the state, or fight for domination over resources and power inside the society, processes of state-building or state-consolidation²⁶. Genocide may be result of these processes in part because they provide the opportunity and because these processes make genocide a more normal affair, especially when settling what is considered to be an issue of vital importance for one group or another. Additionally, in such situations, when political communities are in crisis there is a need to reconstruct society and revitalize support for the state by way of new system of legitimation, and a new identity is shaped in the process; the groups excluded from the new community are marked for killing²⁷. When such changes lead to armed conflict, genocide is likely to take place, because, in the first place it increases

feelings of vulnerability in both, elites and masses; second, war or conflict increases the autonomy of the state and thirdly, it makes other, peaceful options of dealing with the real or imagined enemy less attractive²⁸. Nazis, Hutu Power and Young Turks clearly used conflict rising out of different historical situations as an opportunity to finally settle what they considered to be a problem. In the Bosnian genocide there was also an opportunistic element, but the conflict was more of a pretext and used as a cover for genocide in that it was easier to disguise genocidal practices as acts of war.

In the infamous speech before the Reichstag in January 1939, on the sixth anniversary of the Nazi ascent to power, Hitler did not profess, but actually outlined what had been in wait for German and European Jews:

If international finance Jewry inside and outside Europe again succeeds in precipitating the nations into a world war, the result will not be the Bolshevization of the earthy, and with it the victory of Jewry, but the annihilation of the Jewish race in Europe.²⁹

In a meeting two weeks before the speech, with the Hungarian Foreign Minister, Istvan Csaky, Hitler clearly stated

his intentions regarding the Jews, and that was that they "would have to disappear...to the last man"³⁰. The fact that he referred to that speech in 1942 and 1943 as something he professed reveals the logic behind the speech: that Jews would be annihilated if a new World War was started, by Hitler; a war he had been bent on starting from the moment Nazis were in power³¹. Interviews with the perpetrators of the Rwandan genocide also reveal that for them, genocide was a matter of opportunity, and that although a degree of planning was necessary, the death of President Juvenal Habyarimana was the opportunity that Hutu Power had been waiting for³². In the Armenian genocide, the outbreak of World War I was both, the catalyst and the opportunity to destroy the Armenian population. In the reports that Max Erwin von Scheubner Richter, first German Vice Consul in Erzurum and later Co-Commander of a joint Turko-German Expeditionary guerrilla force, sent to his superiors, the plan for genocide was outlined in the following terms:

"The Armenians will be provoked to acts of self-defense. The resulting disorders will then be presented to the outside world in an embellished form to serve as a pretext for deportations. Once underway, they will

then be attacked by the Kurds and Turkish brigands and some gendarmes, who will be incited by the CUP for this purpose, and murdered".³³

Another German official provides a further clue as to the opportunistic nature of Armenian genocide, in explaining that the Young Turks were using the war to "initiate and implement" the policy of extermination, whilst the Austro-Hungarian ambassador informed his superiors that the authorities "will continue to exploit the conditions of the war to destroy" the Armenian population³⁴.

The utterances of Radovan Karadzic in the Parliament of Bosnia and Herzegovina on the eve of its independence were not just a warning against that particular option of solving the crisis but rather a scenario of what was to unfold:

"You want to take Bosnia and Herzegovina down the same highway of hell and suffering that Slovenia and Croatia are traveling. To not think that you will not lead Bosnia and Herzegovina into hell, and do not think that you will not perhaps lead the Muslim people into annihilation, because the Muslims can not defend themselves if there is war."³⁵

The fact that Karadzic made this statement after the months-long campaign of arming the Bosnian Serb population and planning undertaken in cahoots with Serbian State Security Service³⁶ throws a new light what he meant by "highway of hell and suffering".

As Charny pointed out, genocide takes place when the victim is essentially defenseless, and that is one of the two major activators³⁷ of genocide. The attack involves all segments of the perpetrator society and in order for it to succeed there has to be support of the significant part of the community³⁸. A distinction has to be made and a classification of support that societies may provide in genocidal undertakings: there are those who believe, those who enjoy and profit or in some other way identify with the genocidal regime, those who comply, those who comply but are inwardly opposed to the policies and those who actively oppose it³⁹. More or less explicit signal from the society that killing is acceptable is the moment when regime may apply itself to the task of genocide in earnest. There are perhaps many different indicators that genocide might be in the making, but the two most important, those which are applicable to all

genocidal situations are demise of the rule of law and de-humanization of the victim.

Definition

Now we can break down genocide into following elements: actors, requirements, and conditions conducive to genocide and indicators, stretching across different levels of society. The actor is then, usually, the state or some entity resembling a state; conditions conducive to genocide are wars, internal and external, erupt and radical changes in the social structure, re-arrangement of relations of power, state-building or state-consolidation. Genocide may also take place as a result of failure of a state, complete breakdown of law and order and legal protection guaranteed by state. In fact, in most cases genocide is preceded by a demise of rule and law, but what in contrast to other such situations this is a process initiated and controlled by the state apparatus and applies to the targeted group only. Anti-Jewish legislation in Germany or legislation legalizing deportations of the Armenians from Turkey can certainly be qualified as the demise of rule of law,

deportation of Bosnian Muslims and regulations under which they had to sign away all their property to the newly established Republika Srpska, testify that when and where genocide is perpetrated state or in some historical cases a state-like entity, is the first to break the law. The absence of state, as a formal structure of power may lead to genocide no doubt, but it is the control of the power emanating from or associated with state apparatus, such as police or military that is required to commit genocide.

There are two crucial activators of genocide: first, defenselessness of the victim, and more importantly, substantial societal support. Indicators of genocide, out of a number of them, common to all are de-humanization and demise of the rule of law; however, de-humanization is a wider notion, and not just an indicator. It may also be described as a pre-cursor to genocide, a process after which, in the words of a Rwandan perpetrator the victims are no longer what they used to be but "people to throw away".⁴⁰ Based on the discussion a working definition of genocide could then be summed up as follows: *genocide is an intentional attempt by a state or a quasi-state entity to physically*

annihilate a national, ethnic, racial or religious group; it is a complex phenomenon that takes place with substantial complicity of the society under, following or preceding conditions of acute social crisis or instability.

The following chapter will examine each one of the elements of this definition more closely, lay out and test the analytical framework.

Notes

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III Genocide:

Genocide is Genocide is Genocide

This chapter will examine the model of genocide as defined in the previous chapter and test the analytical framework along the experience of genocides committed in the twentieth century. It will show that, although genocide has been the product of specific historical circumstances, there are elements in common to the four clear-cut cases of genocides in the twentieth century, Armenian genocide, Nazi perpetrated Holocaust, Bosnian and Rwandan genocide. The mass murder by the Khmer Rouge is not referred to in this framework, because the atrocities in Cambodia were not aimed at any

one group - religious, national, racial and ethnical group - because of their intrinsic characteristics; although some ethnic groups were targeted as part of the Khmer Rouge attempt to build a new society, they had been targeted not because of who they were, but what the paranoid leadership of the Khmer Rouge believed they could do. The victims of Khmer Rouge were targeted on political grounds whereas the main feature of genocide - the one that makes it such a horrible crime - is that it happens because of *who the victims are*. Essentially, in genocide, there is no way out for the intended victims. However, in the words of the father of genocide, Raphael Lemkin, political group lack consistency of membership¹. Some authors have referred to Khmer Rouge crimes as auto-genocide², but genocide is too grave a crime with too serious consequences to allow for that or any other sort of verbal experimentation.

From Academe to Annihilation

Genocide is a complex project, overarching a society and encompassing if not all, then most of its segments, ranging

from academe to the working class, it is the result of a process which enchants aristocracy and the poor alike. The goal of genocide, which is always physical annihilation of a group, dictates its structure, and is, so to say, tailored to cultural, social and political fabric of a given society³. This tailoring takes place along structural changes in the society in a top down process, with ideological framework always infallibly provided by the elite, mostly the academic or scientific community⁴. But the issue here is that, while elites may be rational and seek to preserve or gain power, hundreds of thousands or millions of "ordinary people" are persuaded to act on the wishes of elites. Why elites resort to genocide may be different from why and how ordinary people engage in genocide, which clearly can not take place without their tacit, willing, or enthusiastic support⁵. That elites would articulate reasons for genocide is understandable. But, their "call to violence must target 'ordinary' though not necessarily politically attentive"⁶ people who listen to, read, or watch media reports, in whose midst genocide actually takes place. Whether their members sincerely believe in a certain set of values or act out of opportunistic motives, academic commu-

nity has shown remarkable consistency in backing up genocidal regimes. Intelligentsia was always instrumental in that it actually defined the criteria for membership in the society, the in-group and the out-group in time of acute social crisis and when the need arose to shape the new social identities⁷. When ideology - if we understand it to mean a set of emotion-laden, myth-saturated and action related beliefs about people and society, legitimacy and authority⁸ - bent on excluding different groups from the society is married to the lethal force of state, genocide is a very likely outcome. There is always underlying ideology behind genocide, whether in the form of racial ideology, as in the case of National Socialist Worker's Party (NSDAP) in Germany, or in the form of state-building ideology and its theoretical rationale, such as having designs on parts of or entire surrounding... Holocaust was based on the idea of people unworthy of life, with Jews on the top of very long list of such groups⁹. Armenian genocide was the result of the ideology of Pan-Turkism¹⁰; in Bosnia genocide had its ideological roots in the idea of Greater Serbia¹¹; in Rwanda, Tutsis were considered aliens who usurped the land the Hutu needed for cultivation, and who on

top of it who immigrated from the North of Africa, so sending them back, in parts this time, was the sacred duty of every Hutu¹².

The idea of "life unworthy of life" was a result of an increased popularity of biological science which at the turn of the century gradually evolved into an ideology of racial inequality. In Germany, the ideology of human inequality was accepted in the scientific community, but in important parts of the elite, as well¹³. The years of Weimar Republic lead to a further increase in the interest in the "race hygiene"; *Grundriß der menschlichen Erblehre und Rassenhygiene (Outline of human genetics and racial hygiene)* referred to as the central text of the race-science was written by three distinguished German scientists, Erwin Baur, Eugen Fischer, and Fritz Lenz. Racial sciences were very popular in other parts of the world at the time, notably in USA and UK, but in Germany these ideas of racial distinction fell on the fertile soil of a militant culture with a notable proclivity for "final solutions"¹⁴. The ideas expounded in the *Outline* were taken over and furthered by National Socialist German Workers Party (Nationalsozialistische Deutsche Arbeiter Partei or NSDAP)

who seized power following Hitler's appointment as the Chancellor in 1933, and whose leadership staunchly believed in the "race hygiene utopia"¹⁵. Although Anti-Semitism was central plank of the Nazi political agenda, the Nazi's did not immediately embark upon the Final Solution (*Endlösung*). In fact, Final Solution was the result of a long period of waiting for the best opportunity while forcing the Jews to emigrate *en masse* and only after they have thoroughly robbed; some Nazi figures considered deporting Jews to Madagascar, while other were planning expelling them to Siberia once the war against USSR was won and hoping for their disappearance in the hostile terrain¹⁶.

The pioneer of the Young Turk ideology was a writer, Ziya Gokalp who resisted the half-hearted reforms launched under sultan Abdul Hamid aimed at securing Armenians equal rights. In one of his widely published articles, Gokalp declared that "Islam mandates domination and that the non-Muslims can never become the equals of Muslims unless they convert and embrace Islam"¹⁷. The historical second-class status of the Armenians and Ottoman world-view provided social and cultural inclination to do away with them once and for all¹⁸, and

in such a brutal manner¹⁹. The occasional outbursts of violence against Armenian community during the reign of Abdul Hamid fell short of genocide, because their intent was to keep the community asking for its rights in their "proper place"²⁰, rather than annihilate them as such. Enter the Young Turks. When *Ittihad ve Teraki* (Committee of Union and Progress) took the reigns of power in a series of coups and counter-coups in 1908 and 1909, the organizational vehicle for genocide was in place²¹. The Young Turks regarded the Armenians "as alien and a major obstruction to the fulfillment of its political, ideological, and social goals"²² for a long time already. The Young Turks did not believe in the essential equality of Muslims and non-Muslims, as was openly stated by the Talaat Pasha, in a meeting in Saloniki in 1910: "Equality of Mussulman and gaavur ("infidel"... is an unrealizable ideal," and, therefore, the empire needs to be "Ottomanized."²³ The Young Turks, however, also believed in the supremacy of the Turkish element in the Ottoman Empire, or "ruling nation" and thus "supplanted the notion of equality with that of a nation of overlords, who were preordained to dominate the rest of the peoples comprising the empire"²⁴.

The roots of the ideology behind genocide in Rwanda go back to the early 1970-es when, then a major Juvenal Habyarimana carried out a *coup d'etat*. His development ideology embraced only Hutu as the true inhabitants of Rwanda, while the Tutsi, considered by Habyarimana the feudal class presented the problem²⁵. His ideal of Rwanda as a peasant society was developed in the historical backdrop of Tutsi domination during and as a result of the Belgian colonial rule. Habyarimana's world-views were influenced by at least three other people, Ferdinand Nahimana, a history professor, and leading intellectual of the regime; Jeanne Charles, a Swiss professor and consultant to the president; and Cristophe Mfusi, a Rwandan journalist who later became a critic of the regime²⁶. His party, (Mouvement Revolutionaire National pour le Developpment or MRND) formed the core of political elite who following a civil war saw a threat in the peace agreement which Habyarimana could no longer delay implementing²⁷. A small group of people believing that the extermination of Tutsi would restore their leadership or create better negotiating conditions seized the machinery of the state and used it to kill more than 800.000 people in one hun-

dred days²⁸. The political movement called Hutu Power, which cut across political party spectrum and included politicians, businessmen, journalists and even clergy, had both, the means and the motives²⁹.

Responsibility for letting the ghost of deadly nationalism out of the Yugoslav multinational bottle could safely be laid at the door of Serbian Academy of Science and Arts. Although the infamous SANU Memorandum was not directly related to Bosnia and Herzegovina, it called for the re-arrangement of constitutional framework of Socialist Federative Republic of Yugoslavia (SFRY), challenging the state of affairs on distinctly nationalist grounds³⁰. It referred to the alleged plight of Serb minority in the province of Kosovo and galvanized the public by claiming that genocide against Serbs was underway in particular in the Serbia's southern province of Kosovo³¹. After a following petition by two hundred Serbian intellectuals in 1986 helped draw the final line separating Serbs from non-Serbs, whatever differences there had been between Yugoslav "nations and nationalities" started to appear insurmountable³². The special contribution to the intellectual atmosphere leading to genocide was offered by the Serbian

orientalists, notably Miroljub Jeftic and publicists such as Dragos Kalajic, who among others, referred to Bosnian Muslims as racially alien element in Yugoslavia and Bosnia and Herzegovina.³³ The links between prominent members of the SANU, including the authors of the Memorandum and what would eventually become Socialist Party of Serbia (SPS) under the leadership of Slobodan Milosevic were extensive: Dobrica Cosic was the President of Federal Republic of Yugoslavia, while philosopher Mihajlo Markovic was vice-president of SPS. While SANU and orientalists provided the ideological ammunition, Milosevic³⁴ contributed the vehicle for the ideology in the form of quest for Greater Serbia, which was meant to keep "all Serbs in one state" should Yugoslavia dissolve.

Logistics of Murder

At the center of genocide there is always an organization dedicated almost exclusively to the task of genocide, whose formation may be, but is not necessarily directly linked with the genocidal effort, and which dedicates enormous part of its resources to the execution of genocidal policy. The

agency's task may vary from developing overall plans to being involved in the execution on a daily basis. Again, in the case of Nazi Germany, this organization was RSHA, its branches and service like SD and Gestapo, and the SS; in the Armenian genocide this role was played by *Teskilati Mahsusa*; in the Rwandan genocide *Interhamwe* was the organization at the heart of genocide; in the Bosnian genocide the task was in the hands of security services and its formal and informal networks of power and influence.

While the SS was actually running a vast concentration camp empire, the Gestapo was charged with enforcing racial policies in the German-held territories, SD was concerned with providing the most cost-effective strategies. The Armenian genocide was directed by the Central Committee of CUP, most of all the triumvirate which controlled the Ottoman Government, Minister of War Enver Ismail, Minister of Interior Mehmed Talaat, and Minister of the Marine, and subsequently military governor of Syria, Jemal Ahmed³⁵. The Young Turks penetrated the Ottoman military, police and gendarmerie apparatus to the extent that they could employ it to their purposes. The central organization in the implemen-

tation of the murder was Teskilati Mahusa or Special Organization³⁶. The Rwandan genocide can be traced to a small group of people, known as *Akazu* or "court" or "little house", closely linked to president Habyarimana: they formed the hard-core and created an informal network stretching into military, police and economic structures³⁷. The organizational core of the Bosnian genocide was located in the clique closely associated with Slobodan Milosevic³⁸. The main organizations in the commission of genocide were State Security Service of the Republic of Serbia (SDB) which recruited and equipped numerous paramilitary organizations and prepared them to carry out the murder; and Serb Democratic Party (SDS), which added the infrastructure through its party organization³⁹.

Not-So-Psycho Killer

Paradoxically, who perpetrators are and what drives them to kill, is one of the less relevant elements of genocide. For the final outcome, which in modern genocides was the physical annihilation of substantial numbers of human lives, it is

not important. They do, and that is irrefutable fact. Their individual characters are different and there can be no unity of motivation - only unity of purpose - but, there are very few sadists and deviants who enjoy inflicting pain on others.⁴⁰ It should be born in mind though, that perpetrators of genocide never act in their personal, but rather social capacities, as agents of the state and in their social identity⁴¹. There have been many attempts to understand why individuals willingly take part in genocides, and many conclusions, none universally accepted, such as obedience to authority expounded by Stanley Milgram, or personal goal theory by Ervin Staub.

The most recent controversy regarding the motivation of perpetrators of genocide arose following the publication of Daniel Goldhagen's *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*⁴². He argued that ordinary Germans were possessed of a special kind of anti-Semitism, he called it "eliminationist anti-Semitism", peculiar to Germany and its culture and history. The result according to him was that ordinary Germans willingly took part in the annihilation of European Jews. The less controversial explanation was offered by Christopher Browning in his *Ordinary*

Men: Reserve Police Battalion 101 and the Final Solution in Poland, a case study of how everyday killing turned a group of by all standards ordinary men into a formidable killing police formation⁴³. Both proposals fall short of offering a comprehensive theory: Goldhagen seems to overlook the fact that substantial numbers of Jews in Eastern Europe and occupied parts of the USSR were carried out by auxiliary units, comprising of Lithuanians, Ukrainians, Latvians and Poles and does not explain whether their anti-Semitism was "eliminationist" in nature. Browning on the other hand seems to understate the fact that a number of people killed not only out of sense of duty and sacrifice, but with enthusiasm. The fact that both Goldhagen and Browning, focused on the same police units, and drew two diametrically different, almost opposed, conclusions, only testifies to the power of interpretation.

State: The Omnipresent Link

There is a good reason that states or state-like entities perpetrate genocide: only states can afford it. In addition, only

state has the capacity to mobilize the society to that extent, and has the means to secure the sustainability of genocidal attack. State also control resources instrumental to genocide, starting with traffic network, in time of war a monopoly over distribution of essential goods as well, such as oil⁴⁴ and entire industries subordinated to its goals. Evidently, the only institution that can reach across different levels of society and pool their resources with the aim of committing genocide is state. State plays the crucial role in that it can provide both, legitimacy for and the tool to commit murder; it has shown an increasing capacity to link with substantial numbers of people in door-to-door manner⁴⁵. The link between the state and ideology is that only state is a suitable vehicle for ideology; organizational links necessary for the perpetration of genocide go to the very nature of state and bureaucracy; individual perpetrators are either employed by, in the service of or backed by the state. State is the mechanism that marries an ideology or political platform with the capacity to homogenize the number of people necessary to carry out genocide⁴⁶.

The blueprint for genocide

For an act of murder to constitute genocide, there has to be intent. It also has to be in some way connected to the overall aim of destroying the whole group. Genocide will not take place unless there is a clear intention of a political elite, or organization, to destroy the targeted group physically; short of intent, the perpetrator can have an indication or full knowledge of the consequences of his or her acts beforehand and commit genocide. In reality, intent translates into planning and preparation; although plan is not necessary for the commission of genocide it certainly facilitates the course of the operation. Whether the decision is made in a larger forum or top secret face-to-face meetings is irrelevant; it almost always takes place.

Judging by an entry in Himmler's calendar, following a meeting with Adolf Hitler in mid-January 1941, the Final Solution was discussed between the two of them; the definite outline of the Final Solution was drafted at a meeting summoned by Reinhard Heydrich on January 20, 1942 in Wannsee, outside Berlin⁴⁷. The central point in the decision-making

process of the Armenian genocide was a major, top secret conference in which a concrete blueprint was hammered out to serve as a general guideline for state and party officials who were charged with the execution of the genocide.⁴⁸ The conference was attended by five top decision makers and power-wielders of Turkey, among them, Mehmed Talat, doctor Behaedin Sakir, one of the members of the narrow group heading Special Organization, and the head of Intelligence Department at the Ottoman General Headquarters, Colonel Seyfi Duzgoren.⁴⁹

The evidence established by the ICTR points to an evident pattern of preparations in the period leading to genocide by the Hutu extremists; a meeting between prefects (heads of provincial government) was held on April 11 and 12 1994, in which internal opposition was crushed and the fate of the Tutsi sealed⁵⁰. One of the crucial events in the development of Bosnian genocide was surely a meeting held on December 19, 1991 in Sarajevo presided over by Radovan Karadzic and attended by, among others, deputies of the Bosnian Serb Assembly and by presidents of the municipal boards of SDS. At the meeting a confidential document was distributed to the

attendees titled "Instructions for the organization and activities of the organs of the Serb people in Bosnia and Herzegovina in a state of emergency" with precise instructions how to act in places where Serbs were majority (Variant A) and those where Serbs were minority (Variant B)⁵¹.

The fog of upheaval

The conditions have to be in place for the successful perpetration of genocide. Those are usually high social instability, crises of authority after which new authorities emerge, revolutions or otherwise undemocratic changes of political regimes⁵². It is during such crises that the society re-shapes its values, either under the pressure of the regime or through other social mechanisms. Some authors believe that there has to be cultural background to genocide⁵³, whereas other place emphasis on the power of state control⁵⁴. In addition, one of the conditions that may be linked with genocide is an authoritarian regime, or otherwise a serious curtailment of democratic institutions and procedures. Fein has shown in her study of Cambodia and Indonesia that authoritarian

regimes are 4.5 time more likely to commit mass-murder than democratic states, in fact⁵⁵. The extent to which democracy is curtailed may vary, from a totalitarian regime, such as in Nazi Germany, to a formal democracy, such as in Serbia and Republika Srpska, in which a number of parties across the political spectrum shared the common goal, but disagreed over the steps, extent and methods to achieve it⁵⁶. The bottom line, however, is that all twentieth century genocides took place in a highly unstable social context. They were either preceded or followed by periods of high social instability. Fein sees war as the key trigger mechanisms for genocide⁵⁷, other authors explain it by state formation processes⁵⁸, others yet couple genocide with revolutions⁵⁹.

Armenian genocide was the result of complex processes which eventually led to the establishment of the Republic of Turkey in 1923⁶⁰. Even though the Nazis won the elections in 1933, their ascent to power was preceded by the Great depression of 1929, which cleared the way for a destructive ideology, such as National Socialism, and made it possible for a party that previously was marginal, to win power, and start World War II. The pogrom against Jews prior to the beginning

of the war and open annihilation of Jews were Hitler's way of appeasing the radical elements in the SA and NSDAP; the promulgation of Nuremberg Laws were a compromise he had made with more conservative elements of the society, who sought a more predictable and legal solution to the Jewish question⁶¹. The *Reichskristallnacht* although organized through the NSDAP, was represented as a "popular reaction" to the murder of the third secretary of the German Embassy in Paris Erns vom Rath, by Herschel Grynszpan, a Jewish refugee whose Polish parents had been expelled from Germany, when in fact it was also an opportunity to take a potshot at the Jews and get away with it. The reports from Germany at the time indicate that public was mostly against such a crude and violent way of dealing with the issue, and was concerned with damage caused⁶². The public agreed though that there was a Jewish question to solve, however.

Although the Rwandan genocide was launched during a truce between the Hutu-dominated Rwandan government and the rebels of Rwandan Patriotic Front, it took place in the context of a long civil war and as a fundamental shift in the balance of power was just about to take place and per-

haps dramatically change the relationship between the two ethnic groups⁶³. Bosnian genocide unfolded in the context of the dissolution of a multi-ethnic federal state and as part of the attempt by Serbia and Bosnian Serb leadership to annex part of or carve out a Serb republic in Bosnia and Herzegovina.

War against the defenseless

Societal support and defenselessness of the victim make genocide what it is: the latter makes it a one-sided and mostly unprovoked systematic murder; the former is a condition sine qua non, for not even the most totalitarian regimes would launch genocide if it could not find support in substantial segments of the society. In terms of what happens in the society, it means that there is a consensus in important and substantial parts of most of segments of perpetrator society that genocide is if not desirable, then useful solution to the problem. The modern nature of instruments that states use shortens the link between actual participation and complicity; in fact, almost all society is turned into more or less

uneasy witness. Genocide includes as its vital part *popular participation*, either through the use of force, compliance or with enthusiasm, and "many forms in between"⁶⁴. The second activator, which makes genocide what it according to some is, a one-side murder, is that the victim is essentially incapable of defending itself. Some form of resistance is usually put up by the victim, but does not and can not change the intended outcome of the attack.

Genocide does not take place in social vacuum, and how it unfolds depends greatly on the cultural and social circumstances, in which the idea of genocide was introduced, the social fabric it is visited upon. For genocide to take place, to paraphrase, there needs to be a genocidal regime which has to have loyalty of part of the population and a repressive apparatus to control the part of the population which is not supportive of its goals⁶⁵. That the state is capable of mobilizing growing numbers of people to take part in genocide is best reflected in the fact that reality of genocide always occurs on a local level, in the interaction between former friends and neighbors and their encounter with forces arriving from the outside⁶⁶. The society does not stop its activities

while genocide takes place, individuals continue to pursue their activities; only under the new circumstances substantial resources of the society are re-routed to the implementation of genocidal policies. The success of genocide is dependant on the regime continuing to provide the illusion of normalcy; therein lays the explanation of why substantial numbers of people not only continue what they consider their normal existence, but when and where called upon offer their professional services to the regime⁶⁷. Interestingly, even though doing away with real or perceived enemies is usually the central tenet of various genocidal regimes, in the case of Holocaust the ordinary people in retrospect seem to associate with those times other things, such as full-employment, economic prosperity, order in the streets, things ephemeral to the political ideologies behind genocide. In Rwandan case, a number of perpetrators who were interviewed while in prison described the one-hundred-day carnage as the most exciting part of their lives, when perhaps for the first time there was plenty of everything and when life took on a new, different and more profitable routine⁶⁸. That the routine consisted of killing during the day and drinking in the night did

not concern them in the least. Interestingly and in contrast to that, perpetrators of both, Armenian and Bosnian genocide were convinced to take part in the killings, ignoring their own pangs of hunger. Whereas moral passivity can explain how consensus is reached, for the state to keep effective control of the process there also has to be active participation of citizenry.

The recent studies of the relationship between Gestapo and German society clearly show that Gestapo was not an "omnipotent, omnipresent and omniscient" organization, but rather an organization with scarce resources and most of the time reacting to the information provided by the German citizens⁶⁹. The suggestion that NSDAP "seized power" in Germany was rather a product of political necessity in post-war Germany and the need to serve the population a usable history needed to fight a new ideological war⁷⁰; but, it flies in the face of the fact that Nazi movement had a substantial social support and came to power through elections. Certainly, many ordinary Germans supported NSDAP for other reasons, but the Jewish question was so central to the NSDAP ideology and politics that without it they hardly had a political plat-

form.⁷¹ Even though the extent of murder in modern genocide could be attributed to "bureaucratization and departmentalization" of murder, such as for example in the Holocaust, the fact remains that as many or perhaps even many more people were killed in a personal, face-to-face manner⁷². That was the case in Rwanda, where perhaps over a million of people took part in hacking their Tutsi victims with machetes; that was the case in Bosnia, where civilian populations acted in a highly responsive manner on the orders given by political and military establishment⁷³; that was the case in Turkey, where bands of Kurds set on the columns of Armenian women, children and the elderly and families took in Armenian children to raise them as Muslims⁷⁴. Where defenselessness of the victims is concerned, it does not mean that the targeted group is totally unarmed and incapable of defending itself. The Armenians of Van resisted the Turkish attacks⁷⁵, the Bosnian Muslims of Srebrenica put up a fight and managed to prolong the agony of siege for some three years, the Tutsi in the south of Rwanda resisted the roaming militias⁷⁶, various Jewish groups, at least in parts Eastern Europe fought Germans⁷⁷, but all to no avail. The resisting victims have also been

described as "implicated victims"⁷⁸, and their resistance has only helped blur the picture, whilst providing the perpetrators an excuse to apply themselves to the job with more ruthlessness.

Deadly difference

De-humanization is one of the two patterns that repeatedly precede genocide and is one of the most confident indicators of genocide. It is a process in which individuals, erstwhile equal, are excluded from the moral universe of the perpetrator society⁷⁹. This process, on the other hand, is followed or goes hand in hand with the demise of the rule of law. If as part of de-humanization victims are excluded from the moral universe, their personal security is removed in the second stage and it is possible to kill them without suffering legal consequences. De-humanization is a broader concept and as pointed out earlier is not just an indicator of what is in store for the intended victim; it is a pre-cursor, a process without which genocide would not be possible, for during this process victims lose their human face and characteristics. De-huma-

nization and demise of the rule of law could also be described as essential elements of the process in which "depravity [is represented] as morality, guilt as honor, atrocity as heroism, and genocide as redemption"⁸⁰. Both these steps are undertaken prior to genocide and as part of the preparations, to a varying degree and extent in terms of application and range, but always they remain reliable signs that genocide might be in the making.

The de-humanization of Jews was extensive and overwhelming, taking place over a number of years and starting immediately after the NSDAP won power, in various forms. In most cases the vehicles used were vulgar and almost pornographic *Der Stürmer*⁸¹, a publication run by Julius Streicher or *Der Schwarze Korps*⁸², the SS weekly, which provided the so-called theoretical basis for the exclusion of Jews as racially inferior; the mainstream press was also on board and may have wreaked as much damage as the extremist publications. The exclusion of Jews from the moral realm of ordinary Germans was achieved through more or less frequent pogroms immediately following the Nazi ascent, NSDAP organized boycotts of Jewish business and finally, perhaps

the litmus test for the Final Solution, the Reichskristallnacht in November 1938. Although some of the senior officials of the Nazi regime spoke harshly about the pogrom, *post facto* of course, there is enough evidence today that it was organized, somewhat impromptu by the highest echelons of the Nazi Party⁸³. The exclusion of the Jews from moral and legal realm was greatly facilitated by the so-called Nuremberg Laws, adopted in September 1935, which completely withdrew whatever protection the Jews enjoyed as German citizens. Their fate was now a matter of official state policy. The evidence suggests that, in fact, the number of random attacks on Jews and their property decreased following the adoption of the Nuremberg Laws, as it was now considered to be in the hands of government⁸⁴. Assertions of proverbial tolerance of a host of religious communities and creeds among its many subject ethnic groups in the Ottoman Empire are belied by the actual disdain and perhaps contempt that multitudes of Turks felt towards *raia gavurs* or non-Muslim subjects⁸⁵. The Armenians in Turkey were one of the many such groups whose very existence under the Muslim ruler was considered to be "degeneracy and corruption (*fasad*)", people

who needed to be governed strictly and kept in their place⁸⁶. The Young Turks undertook rather extensive propaganda campaign with the intent to justify the crime distributing statements such as that

"The Armenians are in league with the enemy. They will launch an uprising in Istanbul, kill off the Ittihadist leaders and will succeed in opening up the straits to enable the Allied fleets to capture Istanbul"⁸⁷

The main vehicle of the anti-Armenian agitation was the Ottoman propaganda weekly *Harb Mecmuasi (War Magazine)*, edited by Colonel Seyfi, the head of Department II at the War Office, its influence went far beyond its 15,000 subscribers⁸⁸. The role of media in the de-humanizing campaign in Rwanda can not be understated. It was primarily organized around two media outlets, a weekly *Kangura* and Radio-Télévision Libre des Mille Collines (RTLM), both closely related, and in fact founded by President Habyarimana's MRND. Perhaps the most notable contribution of Kagura to genocide was the publication of *The Ten Hutu Commandments* it carried in the issue published on December 6, 1990 in an article entitled *Appeal to the Conscience*. The Commandments were broad-

cast by RTLM as well, and frequently referred to in the period prior to and during genocide⁸⁹. The Commandments strongly prohibited any mingling with the Tutsis, claimed that Tutsis are only seeking supremacy, and labeled as traitor any Hutu breaking the commandments. Publication of the list of individuals considered to be a threat to Hutu was also a frequent practice of *Kagura*⁹⁰. RTLM was instrumental in genocide in that it was used as a means of mobilizing perpetrators on daily basis. It broadcast orders to exterminate Tutsis, describing them as *inyenzi*, a derogatory term meaning cockroaches. It openly called upon Hutu to go out and hunt Tutsi and kill them⁹¹, as part of *umuganda*, or voluntary communal work introduced in the early days of Habyarimana's rule⁹². In addition, RTLM created fear among the Hutu that would eventually drive them to kill the Tutsi, by making the latter look like bloodthirsty and brutal creatures, who "grabbed pregnant women, knocked them unconscious with a stick, and sliced open their stomach to extract the fetus, which, in turn, they tossed on the ground and killed after having sliced its stomach open too"⁹³. Unlike Rwanda, where public campaign was state-wide in range, the sensitization of the population

to genocide in Bosnia and Herzegovina was carried out by the local media. In addition to Serb Television and weeklies such as *Javnost*, local radios and newspapers were principal champions of the campaign of de-humanization. It could be said to have been localized in focus, but general in range. The media were integrated in the local power hierarchy, usually called Crisis Staff of the Serb people or Serb Municipality and in some cases individuals responsible in the local media have been actively taking part in the decision making processes of Crisis Staffs⁹⁴. Perhaps the best examples of how vital a role the local media played is to be seen in the cases of *Glas*, later *Glas Srpski* published in Banja Luka, *Kozarski Vjesnik*, a weekly published in Prijedor and *Radio and Television Prijedor* and *Radio Sanski Most* who carried or broadcast the lists of individual Bosnian Muslims who were the first to be targeted. Staged media interrogations of captives or confessions by prominent Bosnian Muslims, who were forced to name their alleged "co-conspirators" in most cases lead to the death of individuals in question⁹⁵. De-humanization was launched along the lines of unbridgeable differences between Serbs and their Bosnian Muslim neighbors, referred

to as Turks or those who had betrayed their earlier true religion and converted to Islam, or *poturice*.⁹⁶ The following was a typical call to genocide:

"And it started six centuries ago, when Asiatic, Ottoman-Seljuk ghost penetrated the Balkans contaminating these regions for ever, and thrusting them backward (...) The beginnings of the decomposition and uprooting of the Serbian national character coincided with the decomposition of Dušan's empire (...) Turkey sowed only graves (nowhere else in the world is death so complete and miserable as in Muslim graves), epidemics and devastation...".⁹⁷

The Serb propaganda, evidently, targeted Muslims as traitors, this betrayal committed hundreds of years ago being the primary reason of all miseries visited upon the Serbs. The Muslims, however, could not atone for their imaginary sins, by converting to Christianity; there was no place for them in this community and no way out.

Agents of destruction

Instruments of genocide are one more of its facets stemming from state character of the crime. State links the forces in the society who are willing to kill, with those who would agree to the killing. Instruments of genocide are organizations of executive importance to genocide, such as police force, paramilitary or semi-military organizations. Instruments, i.e. police or state-sponsored paramilitary represents the long arm of genocidal regimes. Members of these formations are usually highly trained and equipped, likely to be an off-shoot of the ideological core-group or elite formations of the party or the military. The largest organization dedicated almost solely to genocide was no doubt set up by the Nazi regime. It was rather a network of organizations, such as SS, Gestapo and SD, but the organizational impulse for genocide came from RSHA⁹⁸ an organization set up by Heinrich Himmler and run by Reinhard Heydrich. But the *Wehrmacht* was also on board and worked hand in hand with SS *Einsatzgruppen* and police on the Final Solution in the occupied parts of USSR⁹⁹. The SS, chief genocidal agency was established to be

"the elite of the elite"¹⁰⁰, an organization whose members had to be vetted for racial purity several hundred years back¹⁰¹. The SS would later come to "include a massive, professional secret police force, the nation's civil police precincts (the *Ordnungspolizei*), elite military battalions, medical institutes, schools, government ministries, and an industrial empire"¹⁰² as well as *Totenkopf*, a branch of the SS running the concentration camp complex. The organization was very complex, but in terms of implementation of genocidal policy, the most important were four *Einsatzgruppen* operating behind the front in occupied Soviet territory and chiefly tasked with the murder of Jews¹⁰³. Majority of the members of *Einsatzgruppen* were by no means blood-thirsty murderers but career policemen, mid-level managers, and normalcy was actually a key requirement to become a member¹⁰⁴. Second to them were *Totenkopf*, who ran concentration camps, and are responsible for the bulk of the murders committed during Holocaust.

The chief instruments of genocide in Rwanda were Presidential Guard and *Interhamwe*, one an elite military unit and the other a party-founded militia. It is striking how presi-

dent of *Interhamwe*, Jerry Robert Kajuga explained its role to a reporter:

"The government authorizes us. We go in behind the army. We watch them and learn... We have to defend our country. The government authorizes us to defend ourselves by taking up clubs, machetes and whatever guns we could find"¹⁰⁵.

The *Interhamwe* were mostly comprised of young and unemployed men, who saw no other prospects for the future¹⁰⁶, but as witnessed by a Canadian General, Romeo Dallaire, their killing capacity was formidable, as they were believed to be able to kill a thousand persons in the time-frame of twenty minutes¹⁰⁷. In the estimate of the US Peace Institute, in its study of the Rwandan genocide, *Interhamwe* also had another role, typical for this kind of organization: to incite and prompt civilians to take part in the killings, and as part of the campaign *Interhamwe* death squads moved swiftly from corner of the country to the other¹⁰⁸.

If the main perpetrators of genocide in Nazi Germany were considered to be the "best of the stock", in Armenia and Bosnia and Herzegovina, they surely were the worst there

had been. Special Organization was formed with the help of German advisors to carry out espionage and sabotage against Allied Powers and recruited among criminals released from prison. Once this mission has failed, the Special Organization was "re-formatted" at the urging of Dr. Behaedin Shakir, one of the ringleaders of the movement, to exterminate Armenians within Turkey¹⁰⁹. The Special Organization was later incorporated into the Ottoman military structure and run by its Intelligence Department¹¹⁰ which made its reach longer and more lethal. The other arm of the regime were *chetes*, irregular formations largely comprised of the Kurds, who once the men were killed set upon the caravans of women, children and the elderly¹¹¹, or brigands mainly organized around Young Turks Clubs in almost every town¹¹². The Serbian SDB also recruited either criminals directly from jail or criminals kept on a leash in the years preceding genocide¹¹³. As already pointed out, they were involved in serious violations of human rights, and their actions had twofold purpose: to instill fear and hopelessness in the Bosnian Muslim populations and to convince the Serbs that the point of no return has been reached. The usual way of doing it was to commit atro-

cities¹¹⁴. Peculiar feature of the paramilitary units backed by SDB was that some of the members of paramilitary units during or after the war were co-opted into regular or highly specialized anti-terrorist units of Serbian Ministry of Interior, and that flow of personnel between units which formed the paramilitary network, as well as between paramilitary and official police units was unimpeded; the core groups was so-called "Red Berets" originally trained by SDB in the late 1991¹¹⁵. The seeming difference between SS on the one hand, and *Interhamwe*, SDB paramilitaries and Special Organization, as elite opposed to groups of brigands and criminals is deceiving. First of all, the membership in the SS exploded between 1939 and 1942 and it was no longer the elite that had been imagined; on the other hand, Special Organization, SDB paramilitaries and *Interhamwe* were elite, in the sense that they grew out and were set up as armed branch of the new elites, established prior to or during genocide. The very fact that the new elites based their power on the muscles of criminals released from prison or mercenaries is perhaps the most remarkable evidence of the profound changes that these societies had undergone.

In sum, genocide is usually a very complex operation requiring complicity of almost all segments of the society, a coordinated effort initiated by the state and taking place in a specific set of social circumstances. The following chapter will focus on the societal response to genocidal regimes, support or complicity coming from economic, cultural and professional corners, as well as ordinary men and women who at one time or another were either participants or witnesses or both, to genocide; it will demonstrate the relevance and instrumentality of the societal response to the perpetration of genocide.

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IV Genocide:

Genocide in Our MIDST

In February 1943, as the World War II was raging and the Holocaust was in full swing, two thousand German women took to the streets. In what was an unprecedented move, these women protested against incarceration and deportation of their Jewish husbands. The Nazi authorities reacted in the way that seems unbelievable: men were all released and returned to their homes¹. Somewhat over fifty years later, as the column of Bosnian Muslim men and boys made its way from Srebrenica to Tuzla in July 1995, a group of four of them reached a Serb village; unarmed and in a very poor state, and asked a local Serb for help. He gave them food and clothing and even fetched his son, who was at the frontline, to show

them the way to the Bosnian government-held territory. The four Bosnian Muslims were later apprehended and before being shot forced to reveal who had helped them. Proceedings for "cooperation with enemy soldiers" were instituted against Nesko and Slobodan Djokic, the two men who had helped them, but the charges were soon dropped and came to nothing².

These two episodes, although taking place in a period spanning fifty years, demonstrate a number of things. First of all, that genocide always takes place in more or less full view of the public; and, perhaps more importantly, that it is possible to oppose and that opposing and standing up to what is taking place, rarely, if ever, costs. These are two examples, out of perhaps thousands examples of individual display of humanity at the time humanity was at its lowest ebb, amply illustrating that without the little, ordinary people, genocide can every hardly take place; all they need to do, however, for genocide to succeed is to look the other way. And unfortunately, most of them do look the other way. The question then is how come so many people join in genocide? When it comes to personal motivation, there is no one, all-encompassing answer;

the bottom line is that sometimes they act because they believe in what they do³, sometimes they kill as a result of exposure to violence and sensitization to violence⁴, sometimes out of petty, lucrative motives, and sometimes in response to peer or group pressure⁵. But, that is still the question of personal motivation. On a larger scale, "genocidal frame of mind" is developed and filters from the elites down to the public and ordinary men and women, who then take action; and it happens across almost all sections of the society, from military professionals, members of the "expertocracy"⁶, university and high school teachers, doctors, police and military men and women as well.

In examining the role that societal support plays in the perpetration of genocide, a number of things should be taken into account. First of all, that those who take part in it, kill in their capacity as members of a group; Germans kill as Germans, Serbs see themselves primarily as Serbs when disposing of Bosnian Muslims, and Hutu kill Tutsi as members of and on behalf of all other Hutu. The other element to be taken into account is the nature of government and the dynamics of its relationship with the society at large. The

commonality to the four twentieth century genocides is that democracy was more or less seriously impaired in the societies in question. The argument that democratization may lead to ethnic cleansing, can not explain how democratization did not lead to such a large scale of violence and murder in other parts of Eastern Europe in the 1990-ies, where undoubtedly there were ethnic tensions as well, but only in former Yugoslavia. In fact, regimes behind genocide tend to be authoritarian and dictatorial in nature, as surely as the regime of Slobodan Milosevic was more authoritarian and prone to escalate violence than that of Slovakia's Vladimir Meciar. However, unlike other dictators of the twentieth century, such as Stalin who sought to mold the Soviet peoples according to his visions, in these four cases, one could talk of "consensual dictatorship"⁷. Leading figures of the regime did not fight against the society as a whole, but rather sought to establish a consensus, on a number of issues. This is not to say that there was no political persecution. Nazi regime dealt very swiftly and brutally with all political opposition, primarily Communists⁸. The Young Turks fought against what they believed had been conservative elements in the society,

linked with Sultan Abdul Hamid and actually consolidated their sway on power through an anti-*coup d'etat*⁹ which prevented followers of Abdul Hamid to take power. Slobodan Milosevic rose to power as the result of purges within the League of Communists of Serbia (LCS) and once sure of his power crushed opposition within the LCS, while pursuing intrusive and more or less repressive policies against political opposition in the later days of the regime. The Hutu Power first dealt with moderate Hutu political figures, and members of some moderate Hutu parties were among the first of the victims of genocide¹⁰.

Before going deeper into the analysis of the social support for genocidal regimes, another distinction needs to be made, between social support and conditions that make genocide possible. Whereas the conditions conducive to genocide such as social upheaval, revolutions and wars, provide the context of genocide, societal support is the trigger. Evidently, not every revolution or war leads to genocide; wars provide military, political and cultural space in which genocide can occur¹¹. But, it is substantial societal support, or in other terms, willingness across different segments of the society to

partake in the escalation of violence or aid it in other ways triggers the mechanism of genocide itself. The remaining part of this chapter will therefore describe and analyze to what extent genocidal regimes relied on support of the society at large. With the exception of the Armenian genocide, for which there are not many documents testifying to the attitude of ordinary Turks during genocide, for Germany, Rwanda and Bosnia, there is ample documentation to that respect. As far as the Armenian genocide is concerned there is however, enough evidence to deduce what if any role was played by the society at large, and gain a glimpse into the daily mechanics of genocide. The fact that the Young Turks regime relied on armed criminals released from prison to carry out the murder, should not disguise the fact that many Muslim tribes in Anatolia, as well as bands of armed Kurds, received *carte blanche* from the authorities to dispose of the Armenian women, children and the elderly in the process of deportation.

The hypothesis, therefore, is that while there a necessary element of secrecy needed to carry out genocide and while chief agencies perpetrating genocide may operate secretly

due to their nature, mission or organization, genocide takes place in *social space* and in full view of the society in question, sometimes even literally. Nazis made no secret of deportations of Jews from German cities, and groups of Jewish deportees were very often taken to the points of deportation during daylight and escorted through main streets. The same applies for Rwandan and Bosnian genocide, where Hutu and the Bosnian Serb were highly responsive to the incentives and instructions of their political and military leadership, and where in a number of instances regimes had to rely not only on members of official police, military and paramilitary groups - which were recruited locally - but also, on other parts of the population which had been too old or in other way not qualified to be part of the genocidal forces. In combination with more or less willing cooperation offered from professional corners, genocide is revealed as the result of workings of a complex web of social actors, groups and institutions and the relationship between them.

Genocidal Expertise

Evidently, genocide would not be possible without professional, or rather, expert help. The first deportation plans in Nazi Germany were drawn by members of "expertocracy" as early as July 1941. One such person was Berlin professor Konrad Meyer who at his university institute developed the plan for immense deportation of some 31 million people from occupied areas Eastern Europe and re-settlement some ten million Germans. There are no surviving copies of "General Plan East" as it was called, but we know about it through Dr. Erhard Wetzel, a "race expert", who analyzed it, and concluded that much higher number of people should be resettled, and that the number of Germans to re-settle was much lower, only some eight to eight and a half million. Another expert, Herbert Backe, an official in the Agriculture Ministry of the German Reich, also went above and beyond his duty when he developed a plan for systematic starving of millions of people in Eastern Europe and occupied parts of the USSR, Jews and non-Jews alike¹². The transformation of the University of Jena into one of the leading educational institutions along

the platform set out in Nazi ideology is also a telling indication of how important a role faculty has played in disseminating genocidal frame of mind¹³; the fact that of the 25 commanders of the murderous *Einsatzgruppen*, 15 carried a doctoral title, mainly in jurisprudence and philosophy demonstrates that genocidaires are also recruited from among the most educated and "enlightened". If the German experts had drawn such elaborate plans, involving millions of people, it was because there without a doubt one of the most industrialized and technically advanced state apparatuses to implement it. In Armenian, Bosnian and Rwandan genocide, there were no such elaborate plans, because among other things they were less in scale, and therefore less elaborate in both, the planning and the execution; they are what could be described as *rapid genocide*, whereas Holocaust was a *protracted* operation spanning over the entire continent and years long. The Armenian genocide started in April 1915 and was over by the end of the year; in Rwanda the killing also starting in April lasted for three months; in Bosnia and Herzegovina, the months between April and end of June 1992 turned out to be most fatal for the Bosnian Muslims, with the

exception of fate of the enclave of Srebrenica, which could be described as *slow-motion* genocide. But, even in this case, the siege, although with some genocidal elements as it was clearly aimed at making life conditions in the enclave impossible, could be understood more as a "run up" to genocide, which took place in the course of five days.

The proposal to establish a "self-defense" sometimes referred to as civil defense program for all adult men, which would have a crucial role in mobilizing killers during Rwandan genocide, came from a group of university professors. Even though this took place four years before genocide, the purpose and background of this proposal was clear, both from its creed - *He who wishes for peace prepares for war* - and its organization. Jean-Berchmans Nshimyumuremyi and Runyinya Barabwiriza proposed to the MRND-controlled Defense Ministry to arm the population - Hutu, of course - and train it, in particular with "traditional weapons"¹⁴. Even a brief overview of the leadership, as well as the middle level of genocide machinery, "managers of genocide", shows that they were recruited from the ranks of medical profession, teachers and civil servants, all relatively highly educated. As well

as in Rwanda, crucial in the perpetration of Armenian genocide were members of local administration, civil servants and railway and telegraph officials¹⁵. In Rwanda, mayors and prefects provided list of peoples to be recruited in self-defense units, as well as lists of people to be killed, and mobilized entire communities¹⁶ through *umuganda*¹⁷, to go and kill their Tutsi neighbors. In Armenia this role was played by chiefs of local administration, *valis* and *kaimekams*¹⁸. In Bosnia and Herzegovina, a number of the members of core leadership of both, SDS and Republika Srpska were drawn from the universities. University professors, like biologist Biljana Plavsic, and English literature professor like Nikola Koljevic and others were instrumental, both in their justification and organization of the murder. The unusually candid memoir that Plavsic has published reveals not only that their high moral and personal standing in the community was crucial in persuading ordinary Serbs, but that they were surprised when the clique around Radovan Karadzic, himself a psychiatrist - with very material and criminal inclinations - started treating them coldly, and opted for the more technocratic fraction within the leadership, headed by Momcilo Krajisnik¹⁹. The mid-level

of genocide also reveals a pattern of high-school teachers, medical professionals, and municipal officials. Individuals like former mayor or Prijedor, a medical doctor Milomir Stakic or the "Civilian Commissioner for the Area of Srebrenica" Miroslav Deronjic²⁰ and his colleague Momir Nikolic, both high school teachers, lent not only their intellectual service for the purpose of genocide. In sum, genocide also requires expert support, in terms of the most rational and least costly organization, but experts, or rather intellectuals play another, as important role. They are the group of people who help disseminate throughout society genocidal frame of mind, in contacts with their students, their patients or subordinates and their network of social contacts.

A Helping Hand

Interestingly enough, genocidal plans have historically taken hold in the military or parts of military establishment with a deadly regularity. Contrary to the conventional wisdom, the recent research reveals that *Wehrmacht* also made a significant contribution to the Holocaust, especially in

Eastern Europe and occupied parts of USSR. The *Oberkommando der Wehrmacht* (OKW) consented and was part of the negotiations on the role and "mandate" of and the relationship between *Wehrmacht* and the *Einsatzgruppen* operating behind the frontline in Eastern Europe²¹. Also, number of highest Army officers portrayed the war in Eastern Europe and against USSR in markedly anti-Semitic terms. Field Marshal Walter von Reichenau was one of the more radical officers of the *Wehrmacht*, and he can be discounted on the basis of his previously held views. But an excerpt from an order given by Field Marshal Manfred Meinstein, one of the greatest military minds of *Wehrmacht*, following the "Guidelines for the Conduct of the Troops in Russia" more commonly referred to as "Commissar Order", illustrate to what extent the military went hand-in-hand with the Holocaust:

"Every sign of active or passive resistance or any sort of machinations on the part of Jewish-Bolshevik agitators is to be immediately and pitilessly exterminated... It is the same Jewish class of beings who have done so much damage to our own fatherland...and who promote anti-

German tendencies. Their extermination is a dictate to our own survival"²².

In the lower echelons of *Wehrmacht* there is evidence of relatively few protests against massacres carried out, and in fact, Army has often been on board of such operations, either securing perimeter of murder-sites²³ or murdering under the pretext of carrying out reprisals against partisans²⁴. The group of officers, who conspired to murder Hitler and failed in an attempt in July 1944, did so precisely they could not expect the support of their fellow officers in an open rebellion against Hitler²⁵. The question of fear on the part of the highest echelons of *Wehrmacht* is ruled out, because a number of generals flatly refused to take any steps against Hitler on the grounds of German military code of honor, which prevents officers from rebelling. The Ottoman Army establishment was vital in the perpetration of genocide in that one of the first steps it took was to shoot all Armenian soldiers, after having disarmed them and forced them in work battalions²⁶. Whilst the Special Organization apprehended Armenian intellectuals in Istanbul, one of the key conductors of genocide, Minister of War, Enver worked through reliable military offi-

cers, most notably General Mahmud Kamil, Third Army's commander-in-chief, the General Halil Kut of the Sixth Army and Colonel (later General) Seyfi Duzgoren. The fact that Special Organization - tellingly run by two of medical doctors - was later integrated into the Intelligence Department of the Army and placed under the command of Colonel Seyfi, indicates a somewhat higher degree of organizational integration in genocide than in the case of *Wehrmacht*²⁷. That however does not contradict the pattern of behavior of the military in the other two modern-day genocides Rwanda and Bosnia and Herzegovina. After the Bosnian Serb Assembly adopted the "Six strategic objective of the Serbian people", the goals of war, at the meeting in May 1992, General Ratko Mladic took the floor and informed the audience that attempt to separate Serbs from non-Serbs in the country would amount to genocide²⁸. In arming the local Serb population under the guise of *Teritorijalna Odbrana* (TO) in the period leading to April 15, 1992, JNA in fact delivered genocide hardware to the Serbs.²⁹ Three years later, on entering the former UN Safe Area of Srebrenica Mladic said for the cameras that, "the moment has finally come for us to take revenge upon the Turks here",

revealing a very interesting frame of mind, at the time majority of VRS officers, even in official orders and documents, portrayed the war as being waged against "the Turks". Whereas in 1992 the bulk of the murders in Bosnia were committed by the paramilitaries and police units, acting in concert with SDS, Mladic and a group of officers around him deployed regular units of the VRS to commit genocide following the fall of Srebrenica. Following the crash of President Habyarimana's plane and with the Minister of Defense along with some of the highest ranking officers out of the country, the control of the Rwandan Army shifted into the hands of Colonel Theoneste Bagosora, chief of administration in Defense Ministry. Bagosora failed in an attempt to install himself or one of his allies as the Chief of Staff of the Army³⁰, but in the process of takeover, through a group of trusted officers, he managed to spread murder campaign into the rest of the country. To arm the self-defense, Bagosora has made a number of weapons purchases of weapons on behalf of Defense Ministry between 1990 and 1992, some allegedly intended for resale, but part of the purchases was distributed locally.³¹

In sum, military the world-over has been one social institution whose cooperation was always enlisted and was necessary to perpetrate genocide. Whether it worked in a more (*Wehrmacht*) or less open manner (*JNA, RFA, and Ottoman Army*) with the initiators or chief organizers of power is irrelevant, for the outcome is as deadly. Likewise, it takes a betrayal of military tradition on the highest echelons, but also on the "managerial" level of any military, officers in the rank of colonel and major. Even if much of genocide is always carried out by police or paramilitary units, winning over such an important institution as military is essential to genocide because in terms of raw force military is always the most important and the largest organization in any society. Secondly, it can be a potent enemy even in the political arena if not on board.

"Death is my business and business is good"

The graffiti scribbled by a Dutch soldier on the wall in the former UN compound in Potocari, outside Srebrenica, is probably more befitting private or public business interests linked

with different genocidal operations. Too many individuals in the German business community, whether retail shop owners or big corporations were prepared to take the material advantage that Holocaust offered. "Aryanization" of small business was carried out on the local level through various labor associations. Bank and publishing sector, department store chains, even beer industry also saw transfer of Jewish property to into German hands at bargain prices³². Some of the biggest corporations in the world at the time, I.G.Farben and Krupp - who also financed NSDAP election campaign in the elections in 1933 - built their installations in the immediate vicinity of concentration camps, or in some cases built the camps themselves to exploit slave labor.³³ In fact, almost every major German industry has at one time or another employed slave labor in the war years, sometimes Jewish, sometimes POW's and foreign workers. Although less in scale, the economic dimension of genocide is also present. SDS in Bosnia and Herzegovina fought hard to get its hands on the money. In reality, once SDS took over a municipality, one of the first steps was to take control of companies in "social ownership" and appoint individuals loyal to SDS.³⁴ In some

cases, funds of socially owned companies run by Serbs were used to purchase weapons, and sometimes its resources were put to use during "ethnic cleansing". One such businessman who used his money to aid genocide and made money from genocide is Rajko Dukic. Mr. Dukic, director of bauxite mine in Milici, a town in eastern Bosnia and one of the financiers of SDS, contributed money to purchase and distribute weapons prior and in April 1992, whereas resources, mainly transportation, belonging to the mine were use during deportation of Bosnian Muslim population of 1993³⁵. Later in the war, Mr. Dukic had one of the rare oil-import businesses in Serbia under sanctions and further contributed to the genocidal efforts of the Bosnian Serb regime. The highly confidential nature of Mr. Dukic's dealings probably makes an estimate of the financial benefits difficult, but a couple of indicators may help: needs in oil of an army fighting the war for over three years on a daily basis, and the price of oil under embargo, when only a very limited number of companies, favored by the regime were authorized to import oil³⁶. In Rwanda, a wealthy businessman Felicien Kabuga, had helped set up RTLM and purchased thousands of machetes in the period

leading to genocide. As genocide was unfolding, Kabuga organized a "Provisional Committee" including other businessmen who set up a fund for the purpose of genocide-denial campaign abroad. Within days Kabuga and his immediate circle offered a sum in the area of 140.000 \$ US. On the micro-level, spoils of genocide had a mobilizing effect, as well. There was an economic advantage to killing Tutsi, because it meant spoils, and spoils were equally shared every day between the killers³⁷. The Armenian community was economically targeted as part of the attempt by the Young Turks to destroy them. The Temporary law of Deportation in May 1915, which provided legal basis for the deportation of the Armenians allegedly as a military necessity, was followed by a law which was meant to economically destroy the Armenian community. The Temporary Law of Expropriation and Confiscation provided for the expropriation of Armenian community, safeguarding and eventually disposing of it through public auctions³⁸, a striking similarity with weekly auctions in Germany of goods confiscated from the Jews and from all across Europe³⁹.

Genocide, in military language is an "attack on all fronts". The economic front is essential to weakening the targeted group or gaining upper hand in the society. For that it takes a significant number of people prepared to go to extremes to make money. Situations with genocidal potential lead to relegation of a number of ethical considerations in conducting business. The way money is earned is less relevant and as importantly there is more of it. This economic battle is two-pronged: one part of it is in weakening the economic livelihood of the targeted community, while on the other end of the strategy is in joining forces with economic interests who can profit from transactions in question. This also could be described as a "vertical" process, which takes place on the level of corporations and big banks, as well as on the level of retail-shop owner and an ordinary consumer, who may find it more convenient to buy confiscated goods at bargain prices, rather than full price.

Holy Murder

Churches or religious establishments of all affiliations have a very dubious record when it comes to genocide. There have been so many excesses on the part of religious communities that a very brief overview will suffice to make the point. Although the Catholic Church fought Nazi regime on a number of policy related issues, it always remained silent on the issue of the Holocaust. The German Protestant Church, early on accepted the so called "Aryan clause" from the Civil Service Law for membership in the church.⁴⁰ Even though there were individuals in the churches who stood up to Nazi policies and deportation, they were too few, their influence too little. In other three genocides perhaps, the element of religion was more substantial to the identity of both, perpetrator and victims, and the involvement of clergy has been more direct. Senior figures, if not Church as a whole, in the Serb Orthodox Church (SPC) helped paint the Bosnian genocide as a war for survival of the Serbs⁴¹; even after systematic campaign of destruction monuments of Islamic and Catholic culture and religion, the SPC did not openly protest⁴². The shocking

images of the execution of Bosnian Muslim men and boys from Srebrenica by members of a Serbian State Security unit "Scorpions" revealed how intimately in fact members of the SPC were involved in genocide. The Catholic Church in Rwanda extended support for the new government - which oversaw genocide - failed to condemn the extermination of Tutsi, whilst some members of the Church defended the government actions. In at least one incident, senior members of the clergy stood by while Tutsi who sought refuge under the protection of the Church were taken away to be shot.⁴³ Although there were individual clerics who condemned the atrocities⁴⁴, the fact remains that the Sheikh-ul-Islam, the leading religious authority in Turkey, had issued a "fatwa" prior to genocide, stating that the Armenians had shed Moslem blood and their killing was lawful⁴⁵. This decision in effect helped sentence the Armenians to death. Clergy pretends to uphold the moral values of the society. When priests and imams fail to live up to the human standards of their religious teachings, ordinary men and women are more likely to listen to the call for genocide. Religious establishments have lent their support to genocidal regimes for different motives;

sometimes it is the centrality of religion to the identity of the perpetrator, whereas sometimes motives were more opportunistic in kind. The bottom line is that a local priest or imam keeps silent, while people are marched to their deaths.

Ordinary People

Significant numbers of ordinary people had always been made complicit in genocidal operations, either as witnesses or in the secondary, assisting role and sometimes even as willing actors. The help ordinary people lent to regimes perpetrating genocide has been instrumental, both in their perpetration, as well as in helping prolong the political life of the regime in question. The fact that genocidal policies of the Nazi regime were prolonged by the army's tenacity in a battle against all odds indicates the extent to which Nazi ideology "both, influenced and reflected widely held" sentiments among ordinary men at the front⁴⁶. A number of accounts, both on the part of Jewish survivors and German witnesses contradict earlier held hypothesis about a deadly regime that

kidnapped a society and instilled it with terror, whilst committing genocide. A case studies among German citizens in Dresden, Berlin, Cologne and Krefeld show that of 2,601 interviewees only 47 were arrested or interrogated by either Gestapo or regular police during all years of the Third Reich. In fact, the same research shows that between 48 and 68 percent of male and between 28 and 47 percent of the female population were in some sort of sympathy with Nazism. In an additional query, when asked to identify positive aspects of Nazism, some eighty percent of all questioned found something positive about Nazism.⁴⁷ Testimonies of both German and Jewish witnesses indicate that very frequently deportations of Jews took place in broad daylight and for everyone to see; it also confirmed that a small number of people continued to have relations with their Jewish acquaintances; a substantial number of Germans has severed all ties with their Jewish friends or colleagues. As to how wide knowledge of the Holocaust was widespread in the German society, the results of the study show that between at least one third of the German population knew by the end of 1942 about Holocaust and that this percentage progressed as the war

went on; on the other hand, some eighty percent of Jewish survivors who remained in Germany had heard or found out about it by the end of the war. The research by Robert Gellately in the town of Wurzburg shows that, first, there was no purge of the police apparatus after NSDAP came to power, and that the latter-day Gestapo took over and relied on professional police apparatus to enforce racial policies; more importantly, some seventy-five percent of the race-defilement cases that Gestapo investigated were initiated by ordinary German citizens, who were not in the pay of any Nazi police agencies. The research is supported by statements of former Gestapo officials, such as Werner Best, Head of Training, Personnel and Organization at the Gestapo headquarters in Berlin and other, officers lower in rank. Furthermore, a number of concentration camps could be said to have been built in vicinity of settlements, because to run a concentration camp, infrastructure is required, and in its daily operations individuals from the outside were also involved. Most of the people living in the vicinity of the camp knew about what went on inside and rarely anyone ever protested⁴⁸, except to be spare the gruesome sight of executions.⁴⁹

Nazi ideology found support all across the society, notably middle class, lower middle class as well as industrial workers⁵⁰, which given the previous record of the German class was highly surprising⁵¹. However it is not a question of whether German working class or German housewife shifted over to Nazism; the important thing is that some of them and that the numbers were substantial, in fact.

The Bosnian Muslim residents of Zvornik were surprised when their Bosnian Serb neighbors turned silent; although some of the informed their Muslim neighbors of the impending catastrophe, almost entire Serb population as evacuated in the days preceding the attack by Serbian paramilitaries working in concert with JNA on April 9, 1992. The attack was preceded by frequent "military exercises" of the TO organized by the JNA in which only Serbs took part and which served not only to arm the population, but to train it as well.⁵² Zvornik was by no means different from other places in Bosnia and Herzegovina and this scheme was regularly resorted to in other places in such as Prijedor, where JNA assisted the SDS in taking over the city.⁵³ Unlike in the rest of the country, in which genocide was carried out more or less between April and June

(with the exception of Banja Luka and Bijeljina, where both presence of foreign media and the size of the Bosnian Muslim population made swift operation improbable), in the area of Easter Bosnia, it had two distinct episodes. Fleeing the Serb persecution, executed along the model similar to that of the rest of the country, Bosnian Muslim population found refuge in the enclave of Srebrenica. When the town was overrun by the VRS troops in July 1995, it set the stage for the ending episode of genocide. The Serb population of surrounding municipalities, such as Bratunac and Zvornik found themselves in the midst of genocide operation. In 1992, the Serb population of Bratunac was recruited into TO and played an instrumental role in "disarming" the Muslim population of Bratunac; plunder from the Muslim villages perhaps prompted them along the way. By 1995, Bratunac brigade, comprised of local Serb population, was one of the units taking part in the active siege of the enclave of Srebrenica. Siege may be considered more or less legitimate as a tactics employed in war, but this is how the brigade commander, Slavko Ognjenovic set out the main aim of his unit in a daily combat order:

"We must continue to arm, train, discipline, and prepare the RS Army for the execution of this crucial task - the expulsion of Muslims from the Srebrenica enclave. There will be no retreat when it comes to the Srebrenica enclave, we must advance. The enemy's life has to be made unbearable and their temporary stay in the enclave impossible so that they leave the enclave en masse as soon as possible, realizing that they cannot survive there."⁵⁴

On the night of 13 July hundreds of buses with Bosnian Muslim men and boys from Srebrenica were stationed in Bratunac. As the decision was being made whether to kill them all in Bratunac or take them Zvornik, the latter option prevailing after Karadzic's personal interference, the local civilian authorities realized that they were desperately short of men to guard the buses, as members of police and VRS were at the front. They then went door-to-door calling on people, old and young alike, to come out and guard the buses. These individuals might not have known that the prisoners would be killed, but the important thing to remember is that already in the afternoon of July 13, some 1,500 people were massacred in a warehouse in Kravica, outside the town, and the news has already filtered back to town. A further clue as

to the destiny of prisoners might have been numerous random killings of prisoners by members of military or police formation that also guarded the buses.⁵⁵ In addition, there was nothing hidden about the murders: Drazen Erdemovic testified that on July 16, 1995 he sat with his friends from 10th Sabotage Detachment in the center of the village of Pilica, sipping coffee, as some seven to eight hundred prisoners, crammed into the building of Dom Kulture, were shot. He and his friends were resting from the five hours of incessant execution on a nearby farm during which they received reinforcements from Bratunac brigade, who on a number of occasions recognized individuals they were shooting and pressed on nevertheless.⁵⁶ Another ordinary Serb, Krsto Simic, a truck driver from the vicinity of Bratunac, testified how he and his friends collected the bodies of the victims of one of the massacre and help first bury them, and then few months later in the autumn of 1995, re-buried in order to conceal the evidence of crime. The job was done under the supervision of the military, but the structures involved were civilian, and a number of people were in the chain connecting the designs of military and individuals like Simic.⁵⁷ The vic-

tims Krstic helped remove from the murder site were killed on July 13, 1995, in a co-op warehouse in village of Kravica few kilometers outside the town, in the presence of its director, which indicates that public facilities were lent for the purpose of genocide⁵⁸, but also that knowledge of the operation was widespread and ranged from individuals in the business community, to utility services officials and eventually, the likes of Simic, persons as ordinary as can be.

As one of the Tutsi survivors of genocide, a 38-years old teacher Innocent Rwililiza noticed, there was a change in the behavior of his Hutu friends in the months prior to genocide. One of them even openly warned him that Tutsi would be exterminated, but Rwililiza refused to believe that.⁵⁹ When Hutu men of Nyamata District were called by the local mayor to gather on the football field in the town of Kibungo there was little doubt about the purpose of the gathering. On the morning of 11 April, Hutu men from the entire district were simply informed by the mayor, who was in the company of an army officer and a small company of *Interhamwe*, to go and kill Tutsi. And they simply obeyed. Hunting parties were organized in the communes across the district that went out

and killed Tutsi who were in hiding, either in the hills or in the neighboring swamps. They went again and again, even though it was increasingly difficult to find victims, who by the end of the killing spree were very few and hid well. It was a tough job and they helped and egged each other along the way: the more adept in killing told those who had difficulties about the quickest way to kill a human being.⁶⁰ Women went behind the men looting; men sometimes got leave from the killing and went looting themselves, almost entire Hutu community was mobilized. As the result of it, between April 11 and May 14, 1994 about fifty thousand Tutsi of the population of fifty nine thousand of the District Nyamata were murdered from nine in the morning until four in the afternoon, by among others, their neighbors⁶¹. The events in Nyamata were a reflection of the state wide response of the Hutu population to calls to genocide. It was quick, ruthless and persistent and although the largest number of the killers was drawn from the young and the poor in one of the poorest countries in the world, elders also took part in the killing⁶². In Nyamata, people who were old and found killing in the swamp too hard, patrolled the surrounding area armed with bows and arrows and killed

Tutsi who got out of the swamps. Everyone, to paraphrase one of the killers, made their contribution.⁶³ Because of the systematic destruction of evidence following genocide and its belated recognition, the picture of the role played by ordinary Turks during Armenian genocide is murky. The remaining evidence, whether memoirs or diplomatic reports reveal that at least some part of the Turkish population took active part in genocide. Foreigner's reports reveal a pattern of forceful transfer of Armenian children into Muslim families, if not simply killing them⁶⁴. Deportation accompanied by almost ritual humiliations of Armenian elderly, women and children took place in broad daylight and full view of the Turkish population.⁶⁵ The deportation routes lead all through what today is Anatolia, from one human settlement to another.⁶⁶ The participation of groups of Kurdish horsemen in the continuous attacks on the columns of deportees does not go against this proposition: the Kurds were *Muslim* subjects of the state, who employed their way of life to the purpose of genocide. In the end of the day, elements of the Turkish Army, hungry and poor and perhaps most *representative* and ordinary members

of the Ottoman society at the time, took part in genocidal attacks against Armenians.⁶⁷

Bartov refers to links between ordinary people and genocidal regimes as "community of murder"⁶⁸, but this can be better used to describe the process that is taking place on the local end of genocide. "Community of murder" seems to be more applicable to the level of genocide that is closest to every-day life and therefore the reality of genocide. The moment when some members of the community kill "for greater good" and have others witness it, is when that community has reached the point of no return. Community of murder is the result of a process taking place between murderers and victims, on the one hand, and murderers and other members of their community. The links thus created can hardly ever be disrupted.

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Conclusion

The most recent estimate of the Government of Republika Srpska put the figure of participants in the murder operation in Srebrenica at between 19,000 and 25,000 individuals¹. The number may be bigger due to the organization of the VRS (divided into corpses organized into territorial brigades) but no doubt the number of individuals and their structure lend credence to the central tenet of this thesis: that for genocide to be perpetrated a fusion of a number of social institutions, groups and interests needs to take place, that this participation reaches across the social ladder and that ordinary people do take part in genocide in substantial numbers.

Was there something different in the air on the night of 13 July, 1995 when buses with prisoners from Srebrenica arrived to Bratunac, literally clogging the town streets, and when ordinary men and boys went out to guard them? And how different were the Serbs of Bratunac, in what fundamental human capacity, from the Hutu of District Nyamata? Were the people of Würzburg so different from residents of other similar German towns in enforcing racial policies and being the eyes and the ears of the Gestapo? And how different were they in relation the Turks of Diyarbekir who jeered as the Turkish soldiers tortured Armenian women and children at the overcrowded market place?² The answer is negative to all questions. No, there was nothing out of the ordinary going on for the residents of Bratunac on that fateful July night; no, they were not better in any fundamental way from their Hutu fellow-perpetrators; and no, there is no one single major difference that can explain why any one group of people participates or becomes complicit to murder. Significant numbers of individuals do, though, and for various reasons and different motives. It takes a more or less long process to drive human beings to kill or to participate in murder in one

way or another; eventually they always do and do in significant numbers.

Genocide requires a special kind of atmosphere. It takes place when university professors draw deportation plans, when professional military officers are prepared to relegate their professional and moral considerations; a state of mind has to spread through almost all segments of the society that can lead to the perpetration of genocide. How different parts of society fuse to perpetrate genocide, may be explained by the shift of frame of mind from peace to a crisis one, as Anthony Oberschall proposes. However, he seems to miss out on emergence of new societal authorities as part of the proposed shift of frame of mind. What in fact happens is the change in the frame of reference for a number of members of the society in question. The source of societal authority changes, new authorities are established or created, and along with it almost new, parallel society, which is superimposed on the existing social structure. The old rules no longer apply, the previous sources of authority do not wield the influence or the power they used to, a new community takes shape; sometimes the old authorities are always there,

underneath the existing framework and individuals fall back on them once the existing order breaks down. When during or after this shift, new or old and re-emerging authorities across the society share the same genocidal beliefs - and under different historical circumstances it did happen - almost entire society is drawn into genocide. The shift of authority is not always seamless and may not be complete, but as long as these new authorities are capable of mobilizing important parts of society, while acting in their social capacity, significant numbers of ordinary people will automatically be drawn into action. Locally, a mayor will join forces with members of the police force, and backed by local or regional business interests and perhaps a media outlet, succeed in drawing the entire community into murder. When the local priest or imam looks the other way as members of another religious affiliation are marched by into death, while their neighbors watch in silence and sometimes "help them along", the transformation of the community in question is complete.

That there is always a core group in the heart of genocide has been demonstrated. But, without the help of a number of other institutions, acting in their social roles, genocide would

not be possible to commit. Parts of some of the most important social institutions or parts of their leadership agree to murder and are prepared to take measures to either help it along or explain it away or justify in other terms. That is when ordinary people, exposed to the influence of the social institutions in question or to the pressure of social groups consent to killing. The process, in fact is very conspiratorial, but the conspiracy extends throughout society. A point is reached in this process when an ordinary individual is prepared to take arms and use it, to kill. Whether an individual does it with the previous intent to kill or is carried away and joins killing in the process is irrelevant. When the genocide unfolds, ordinary people rely on their social network, or what is left of it once members of the targeted group are excluded, to carry genocide out. They rely on their friends for comfort and on their colleagues to do their job properly, and to make their contribution. All of them, however, rely on the means and methods that they are familiar with and can use in the most proficient manner. Only, now they do it in order to carry out genocide. Genocide is just about that: making murder an ordinary thing, done for ordinary reasons. It could be

described as a process of "ordinarization" of violence, with a certain set of purposes and goals in mind. Societies are primed in that process and violence is escalated along a continuum, as Ervin Stab has phrased it, which ends up in genocide. But, genocide is essentially a localized event, at least in some of its significant parts, as already pointed out; its reality takes place within community bounds, social, moral, political and legal. Its "localization" makes genocide always a very intimate process, and something has to occur on a personal, neighbor-to-neighbor and friend-to-friend level, in order for genocide to be possible. Old social bonds are broken in the process of perpetration of genocide and new ones are forged in their stead. In fact, no pre-existing social bonds survive genocide. Because the new bonds are based on complicity, they tend to be stronger, and a trust is created between murderers and their community to the point that breach of conspiracy-like silence and trust is, first, very rare, and second, always considered a betrayal. And there is a *community of murder*.

Notes

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