

How Many Years? A Century of Mass-Killings and State Terror

How amazingly far normalcy extends; how you can keep it in sight as if you were on a raft sliding out to sea, the stitch of land growing smaller and smaller ... but you're already too far away, and all is lost.⁷⁸

“The horror! The horror!”⁷⁹

Introduction

The 20th century was, in the words of Zimbardo (2008) “the mass murder century.” In the years 1904-1907, an unknown – but very high – number of the Herero and Nama peoples of German South-West Africa (Namibia today) were slaughtered by the colonial military, died of thirst in the Namib Desert while trying to escape the killers, or perished in the world’s first death camp at Shark Island (Olusoga & Erichsen, 2011). In 1915-1916, an estimated 1.5 million Armenians and other Christian minorities were slaughtered at the hands of the so-called Young Turks, following the defeat of the crumbling Ottoman Empire in WWI. The Armenians fared the worst in numbers – about one million killed – and were also singled out to be forcibly deported (Gaunt, 2006:1). The men were often massacred on the spot, while women, children, and elderly were marched through eastern Anatolia and the Syrian Desert. They died *en masse* from disease, famine and constant attacks from Kurdish militias along the routes. The last stop of the caravans of deportees was the desert town Deir Ezzor where hundreds of thou-

78 Richard Ford, *Canada* (2012:92).

79 Joseph Conrad, *The Heart of Darkness* (2012:97).

sands perished from illness and starvation. Those who didn't die from these 'natural causes' were killed (Sunny, 2015). Japanese military killed between 260,000 and 350,000 civilians in Nanking, China, in 1937, while the Nazis liquidated at least 6 million Jews, 3 million Soviet POWs, 2 million Poles and hundreds of thousands of 'undesirables', such as Roma people and homosexuals. Stalin's Soviet empire murdered 20 million of its inhabitants, while Mao Zedong's government policies resulted in an even greater number of deaths. Hindu-Muslim riots in India during the latter half of the 1940s claimed up to half a million lives. The Khmer Rouge regime killed off 1.7 million people in Cambodia, while Iraqi military under Saddam Hussein is accused of killing 100,000 Kurds in Iraq. A military takeover in Argentina in 1976 led to a brutal regime, where many thousands of Argentineans, including children, were kidnapped, tortured, and killed during the 'dirty war' as it became known (Suarez-Orozco 2008:379ff). In Chile, an investigating commission found in 2011 that 40,018 people had been held as political prisoners and tortured during the rule of General Augusto Pinochet, while 3,065 had been killed or forcibly disappeared (BBC World News 2011). The period 1960-1996 resulted in some 200,000 deaths in political violence in Guatemala, where born-again Christian leader of state, Ríos Montt, wanted the very nation of Guatemala to be born again as well. This utopian vision could not, however, flower until the army had fully vanquished all "subversives". The massacres peaked during *la violencia*, 1982-1983, when 86,000 people, most of them Maya Indians, were killed (Garrard-Burnett, 2011). Also in 1982, Syrian troops pounded the city of Hama for several days to crush a rebellion against the Hafez al-Assad government. After the artillery attacks, bulldozers moved in to flatten whole neighborhoods, and then security forces combed the rubble and killed those who had survived. All in all, perhaps as many as 20,000 Syrian citizens died in the proceedings. In 1994, one million Hutus fell victims to the Tutsi majority in Rwanda. The Balkan Wars in the early 1990s claimed at least 100,000 lives, including about 8,000 Muslim boys and men who were massacred by Serbian military and para-military, in the UN-proclaimed 'safe area' of Srebrenica. Rummel (2008:92) sums up the horrors of the twentieth century:

170 million men, women, and children have been shot, beaten, tortured, knifed, burned, starved, frozen, crushed or worked to death; buried alive, drowned, hung, bombed, or killed in any other of the myriad ways governments have inflicted death on unarmed, helpless citizens and foreigners ... It is as though our species has been devastated by a modern Black Plague.⁸⁰

This paper is about atrocities stretching far beyond those of single individuals or isolated gangs of killers. It does not, on the other hand, deal with outright warfare between states, even if the mass killings discussed herein could not have been carried out without an administrative machinery which only governments have

80 All these numbers – except for the unique exactness in the case of Chile – are rough estimates at best. For the problems involved in estimating the number of deaths in mass killings, see Cribb, 2001.

access to. Chomsky and Herman (1979) distinguish between the “wholesale terror” practiced by states and the “retail terror” practiced by individuals or groups, where even small states have more power to terrorise and kill than any anti-state terrorists. A state can kill great numbers of people, but it can also through veiled threats keep people at home at election time – and perform terror on any point of the scale between these two extremes (McDonald & Tanter, 2006). Important to point out already at this stage, is that state terrorists will escalate the violence from its lowest level to whatever level is required to preserve elite control *if they can get away with it* (Sluka, 2000:35, my italics). Not that smaller scale killings are less horrible, except for the fact that the victims are not as numerous. Take for instance that which happened in July 1941, when half the population of the small Polish town of Jedwabne murdered the other (Jewish) half. The perpetrators, armed with axes and clubs studded with nails, tortured and killed some 1,600 men, women and small babies alike. To finish things off, a large number of people were herded into a building which was then set on fire (Gross, 2003). In Norway, on 22 July 2011, Anders Behring Breivik single-handedly killed 77 people, the majority of them teenagers at a summer camp. Imagine hundreds, or indeed thousands, of Breiviks; their actions supported and co-ordinated by a state apparatus, and you may get the beginning of a picture of the nightmarish scenarios which will be presented below.

I will attempt to outline the inner works of acts of terror on individual as well as state levels, and the links between the two, empirically and theoretically. But by only doing so, I might leave the reader numb with fear and hopelessness. Therefore, I will also present possible – and already existing – avenues of resistance, again on various levels, from local civil society to supra-national. A few words about the terminology used in this article: I use the word *mass-killing*, rather than *mass-murder*, as in criminological terminology mass-murder refers to the killing of more than three people on one occasion. The crime of Behring Breivik would according to this constitute a case of mass-murder. ‘Mass killings’ also has the advantage that it both covers cases that are to be judicially regarded as genocide, and those that are not. Regarding terror, I use Chomsky’s definition (2008:220): “the calculated use of violence or the threat of violence to attain political or religious ideological goals through intimidation, coercion, or instilling fear.” I have chosen to mainly – but not exclusively – present the two cases of Indonesia 1965-66 and East Timor 1975-1999, to illustrate the dynamics and processes involved on individual, state and international levels in the sordid affairs of mass killings and state terror. I invite the reader to change the names of territories, individuals and states mentioned herein, and the stories you may uncover will in all likelihood show a tragic similarity to what is presented below.

Indonesia 1965-1966

In Jakarta, on the night of 30 September 1965, a group of military officers killed six army generals, occupied strategic buildings, and announced the formation of a revolutionary council. Indonesian President Sukarno appointed General Suharto to lead operations against the coup, and in a few days the Indonesian armed forces managed to gain control of the situation. The official Indonesian version was that PKI, the Indonesian Communist Party, was guilty of the coup attempt. In November 1965, Suharto accordingly authorised a "cleaning out" of PKI, resulting in massacres that cost perhaps one million lives, most of them landless peasants. The army played a key role, in doing some of the killing, supplying trucks and weapons to vigilante death squads, while state-controlled media whipped up a frenzy of hatred (Chomsky & Herman, 1979; Gerlach, 2010). Muslim youth groups comprised the vanguard, but they were not alone. In Bali the killers were zealous Hindus, in Sumatra and the Lesser Sunda Islands many of the perpetrators were Christian vigilantes (Mehr, 2009). Whatever the reasons for the hatred, it resulted in countless acts of exceptional brutality:

Most were beheaded, stabbed, or had their throats slit. Others were hacked to death, strangled, slain with clubs or rocks, drowned, or burned or buried alive. The armed forces delivered victims to village communities for murder ... or villages traded victims in order not to have to slaughter neighbours (Gerlach, 2010:35).

Most of the large-scale killings had ended by March 1966. A power struggle between Sukarno and Suharto then ended with Suharto gaining the upper hand. Suharto was sworn in as the new president of Indonesia in February 1967, after which he established a highly authoritarian *Orde Baru* (New Order), with the armed forces having a defined role as both a military and a socio-political force. An important point taken up by Geoffrey Robinson is the following:

The coup and massacre 1965 also marked a normative and legal turning point, in the sense that such strategies were implicitly legitimized, not only because they were carried out by state authorities and their allies, but also because they were never punished (Robinson, 2010:44).

This land of recent mass killing soon turned into "a paradise for investors, free to be plundered by the industrial societies and its own rulers on a joint venture basis" (Chomsky & Herman, 1979:131).

The background in Indonesia and the global political setting

In the wake of World War II, the United States and the Soviet Union confronted one another with rival political systems and conflicts of interest throughout the world. Washington's strategy was to support almost any regime, no matter how repressive, if it claimed to be anti-communist. According to the so called domino theory, if a country fell under communist control, others were likely to follow.⁸¹ In December 1949, the former Netherlands India was formally recognised as the Republic of Indonesia. The new state was a deeply divided society, with tensions between left and right, Communists and Muslims, and faced with regional uprisings. In 1958, President Sukarno introduced his 'Guided Democracy', which, among other things, meant that the country's western-style democracy was blamed for the sharpening of social tensions. The communist party gave its support to Sukarno when Guided Democracy was introduced. The politically influential army was generally opposed to the communists, and the period was characterised by Sukarno's efforts to find a balance between the predominantly right-wing military and the PKI. The military's strength was enhanced by a massive arms loan from the Soviet Union in 1961, while the communists found themselves increasingly isolated after they split with the Soviet Union and sided with the more revolutionary politics of Mao Zedong's China. The stage was thus set for one of the most gruesome purges in the history of the 20th century, as related above. After the massacres in 1965-66, the United States saw Indonesia as a major bastion against communism in Asia. At the same time, trade and strategic considerations made Moscow seek normal relations with Jakarta. The Soviet Union even continued to send arms to Indonesia when it was clear that they were being used to massacre communists (Mehr, 2009:125).

81 Ironically, this theory were just as threatening when seen from the opposing side, as can be deduced from the fact that from 1960 onward a number of Latin American regimes were subjected to US-supported military takeovers. One of those countries was Chile, where the chilling words (for those in the know) "Jakarta 1965" could be seen on the walls of Santiago as a message from the right-wing to the left. Information provided by sociologist Eduardo Naranjo, Kristianstad University, 2014.

East Timor

One global trend post World War II was the ending of formal colonialism. The major colonial countries realized that the granting of independence, in combination with continued economic and cultural dependence, was preferable to lengthy struggles, likely to end in independence under left-wing regimes. Portugal alone continued to resist militarily, and with precisely this result. On April 25 1974, the Portuguese dictatorship of Salazar/Caetano ended in the so-called Carnation Revolution. Within the next two years Portugal had recognized the independence of Guinea-Bissau, Mozambique and Angola. All three countries were eventually ruled by communist parties. Within a matter of weeks after the April revolution in Portugal, three political parties were formed in Portuguese Timor, of which the vaguely left-wing Fretilin soon emerged as the biggest. Portugal, as the administering power, sent a de-colonization committee to the territory, with the aim to oversee a development towards a referendum *re* the political future of the territory, i.e. independence or joining the neighbouring Republic of Indonesia.⁸² The nearest western country to Indonesia and East Timor is Australia. Indonesian President Suharto and the Australian Prime Minister at the time reached an agreement in that the best solution for the future of Portuguese Timor was integration with Indonesia. Having gained the support of Australia, and after state visits to a number of countries to ascertain their views on the matter, Sukarto declared that East Timor could not become independent because it lacked economic viability (Dunn, 1983). Suharto's strongest card was the backing of the United States, who had no wish to see a possible left-wing government in East Timor, à la what had happened in Portugal's African colonies. Also influential on US policy were Indonesia's extensive trade and investment contracts with US corporations. And, as we have already seen, the Soviet Union enjoyed normal relations with Jakarta, based on strategic and trade considerations from both sides (Horta, 1987:155). Having come this far, the powers that be had obviously decided to bypass Chapter XI, Article 73, of the UN Charter, which states that all member states are obliged to "assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government, to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions" (Frank & Hoffman 1976:333). Adding to this, UN Resolution 1514, 'the Declaration on the Granting of Independence to Colonial Countries and Peoples', provides all peoples with the right to self-determination. Resolution 1514 further rebuts any suggestion that a lack of economic viability is grounds for delaying independence to a non-self-governing territory. Paragraph Three specifically provides that 'inadequacy of political, economic, social, and educational preparedness should never serve as a pretext for delaying independence' (Clark, 1980:32).

82 For a detailed analysis of these events, see for instance Dunn (1983).

I do not know whether Suharto and his generals even for a minute considered these UN provisions or, if they did so, they considered them to be “words, mere words”.⁸³ I do know, however, that on 7 December 1975, Indonesia launched a full scale military attack on Dili, the capital of East Timor. Fretilin fled to the mountains, and for a couple of years managed to keep up a military resistance against the badly equipped Indonesian army. In May 1976, Indonesia formally annexed the territory as its 27th province, and then closed the waters around the territory and warned that all foreign ships that entered would be fired upon. Soon after, Indonesia received a number of counter-insurgency planes from the US, ground-attack jets from Britain, and Canadian and French attack-helicopters. In February 1977, a dossier was presented to the Australian government which stated that the situation in East Timor “might well constitute the most serious contravention of human rights facing the world at this time” (Kohen & Taylor, 1979:46). Fretilin-controlled parts of the territory were bombarded heavily, and the population was forced to flee from one area to another without being able to plant crops. Famine reached endemic proportions. The Timorese military resistance was crushed in 1979, and this was followed by operations to round up people and herd them into ‘resettlements’. Professional killers, known as *nang-galas*, ‘knife-killers’, were employed extensively during this period. Hundreds of thousands of people, stricken by starvation and disease, were forced to enter Indonesian-controlled territory. And there, the terror continued, and especially so for many of the women. Frequently reported examples of sexual violence occurring inside official Indonesian military installations include (the list is mercifully far from complete):

- mutilation of women’s sexual organs, including insertion of batteries into vaginas and burning nipples and genitals with cigarettes
- gang rape by members of the security forces forcing victims to be nude, or to be sexually violated in front of strangers, friends and family members
- keeping lists of local women who could be routinely forced to come to the military post so that soldiers could rape them. Lists were traded between military units.

The military operated with almost complete autonomy and impunity, circumstances that virtually guaranteed the abuse of power and the perpetration of extreme acts of violence. Throughout the period of occupation (1975-1999), methods and circumstances in which unlawful killings were carried out included (the list is, again, shortened):

- Indiscriminate shooting of unarmed groups of civilians
- Ordering of victims to dig their own grave before execution
- Death in custody by beating and torture

83 William Shakespeare, *Troilus and Cressida*.

- Public beheading
- Forcing a civilian to kill another civilian under duress
- Tying to a moving vehicle to be dragged to death (Fernandes, 2008).

The world's reaction

As has already been stated, the major powers found it in line with their own interests to ignore the fate of the East Timorese. The same goes for many of the lesser powers around world. As for Portugal, its' policy on East Timor was for many years very cautious. Exiled East Timorese spokesman José Ramos Horta at one stage called the Portuguese governments 'pathetic bystanders', as successive administrations opted for a relative silencing of the Timor issue (Magalhães, 1995:9). Indonesia expected that military victory would in due time be followed by a "normality" of the situation and a formal acceptance by the global society. During the early 1980s, Indonesia tried hard to get East Timor off the UN agenda, and almost succeeded. In 1975, 72 countries had supported the UN declaration that demanded the withdrawal of Indonesian forces, while 10 countries voted against and 43 abstained. By 1982 the figures were 50, 46 and 50 respectively. Most Western countries either abstained from voting or voted 'No' on most of the resolutions. The Arab bloc – vehemently opposed to the maltreatment of their Palestinian brethren – sided with Indonesia, the world's largest Muslim country, as did Turkey. Sweden supported East Timor in the yearly UN vote from 1975 to 1979. Meanwhile, export of arms to Indonesia increased. On 5 December 1978 then Liberal Party Foreign Minister Hans Blix said in the Swedish parliament *re* the arms exports to Indonesia:

The law that forbids export of arms is applicable when a country is at war against another country. Indonesia is not at war, because Sweden does not recognise East Timor as an independent nation. The law is also applicable when a country has internal conflicts. Indonesia has no internal conflicts, because Sweden does not recognise the Indonesian annexation of East Timor. Finally, the law can be applied if the arms can be assumed to be used to suppress human rights. We have no evidence that the exported arms are used in East Timor. Finally, the arms are of a defensive nature (Larsson, 1985:33, my translation).

This brilliant example of Orwellian newspeak was undoubtedly an ingenious way of handling the situation, but hardly an honourable one. The Labour Party, while in opposition, vowed to stop the arms export to Indonesia. However, when the party was back in power, it was business as usual. The argument was that while it had been wrong to start an arms export to Indonesia as the Liberal government did, the Labour government was now tied by the contract and had to complete deliveries (Retbøll, 1987:35).

Keeping the flame alive

By the 1980s, the armed struggle against the Indonesian occupation was reduced to a small but highly symbolic guerilla that “kept the flame alive” in the mountains of East Timor.

Resistance against the Indonesian occupation was now to a large extent centered on young, urban East Timorese and a small number of exiled Timorese, connected with support groups abroad. From an early stage, solidarity groups in Australia were crucial in keeping an awareness of the ‘East Timor question’ alive in that country, and during the late 1970’s/early 1980’s several European nations also witnessed the rise of East Timor solidarity groups. Portugal’s entry into the EC (the forerunner of the EU) in 1986 meant that the country gained a platform which the new government of Mario Soares used to inform other member countries about the issue. However annoying these activities on behalf of East Timor were to the Indonesian government, they could never amount to much more than the proverbial ‘pebble in the shoe’ of Indonesia’s foreign policy, as famously formulated by Indonesian Foreign Minister Ali Alatas. The turning point *re* East Timor was a massacre of young demonstrators in Dili, the capital of East Timor, on 12 November 1991, which was filmed by a British journalist. The film was smuggled out of the territory and then shown on news programs to shocked viewers around the world. This set in motion an unprecedented activity of international grassroots solidarity, now greatly facilitated by the growing use of the Internet.

In the US, a handful of activists demonstrated in front of the Indonesian Mission to the United States in December 1991, outraged by their government’s complicity in the grisly affair. These activists then formed the East Timor Action Network (ETAN), with the immediate aim to stop US military assistance and training to Indonesia and a long-term aim to work for an act of self-determination in East Timor. ETAN connected scores of likeminded activists from around the country, and established relationships with sympathetic senators and congressmen. As a result, most US military training and weapons sales to Indonesia were stopped. By then, East Timor solidarity groups existed in more than twenty countries; Japan alone had no less than forty local groups. In Europe, the solidarity movement put strong pressure on their governments to stop their export of arms to Indonesia, and were instrumental in the organization of Parliamentarians in support of self-determination for East Timor (Simpson, 2004:461). The latter organization, formed in 1988, had at its peak a membership of 900 parliamentarians in 40 countries. As grassroots support groups popped up in a steadily growing number of countries; they together formed the International Federation for East Timor (IFET) to co-ordinate their collective efforts. Even in Indonesia itself, an increasing number of pro-democracy activists began to see the fight for democracy in Indonesia and the right of the East Timorese people to

self-determination as parts of the same struggle. The work of these organizations was critical in increasing the political costs of the occupation for Indonesian authorities, and contributed to what one scholar has called “Timor fatigue” among elements of the Indonesian political elite (Robinson, 2010:85).

The awarding of the Nobel Peace Prize to East Timorese José Ramos Horta and Bishop Carlos Belo in 1996, again brought East Timor to the headlines around the world. During the intervening years – i.e. since the collapse of the Soviet empire – Suharto’s authoritative and highly corrupt regime had become a liability to the US and other countries in the West. In 1997 the so called Tiger economies – including Indonesia – collapsed, and an ageing Suharto was forced to step down. In January 1999, Habibie, Suharto’s successor as President of Indonesia, decided that if the Timorese did not want to be a part of Indonesia, Indonesia should let them go. In a tripartite agreement between Indonesia, Portugal and the UN, on 5 May 1999, it was agreed that a UN organised referendum to determine the future status of East Timor would be held. The UN Security Council authorized the creation of the United Nations Mission in East Timor (UNAMET) to organize and conduct the referendum. Most importantly, no major power now saw reason to veto this solution.⁸⁴ The UN underlined the responsibility of Indonesia in maintaining stability and security in East Timor during the voting. Indonesia, however, did quite the opposite. On August 30, 1999, 78 % of the voters opted for independence. Following the referendum, a campaign of killings, rape and arson by anti-independence militias under the protection of – and orchestrated by – Indonesian military, burst out all over East Timor. Under pressure from some of the world’s most powerful leaders, including US President Bill Clinton, Indonesia agreed to the deployment of an UN-sanctioned and Australia-led multinational force, which quickly chased the militias across the border into West Timor. The era of ‘wholesale violence’ had finally come to an end, and on May 21, 2002, East Timor was formally declared an independent state.

A theoretical dissection

It’s time now to ask the question “how can people do such things to others?” regardless of the geographical setting. What we are looking for are common characteristics, not the specific details of supposedly blood-thirsty cultures. The search to identify a scapegoat – a social class, or ethnic or racial group on which to pin the blame for social and economic problems – added by the propaganda machine

84 The last time France and the UK used their veto power was in 1989, since then only USA, Russia and China has used it. USA routinely vetoes resolutions on Palestine, while Russia and China have vetoed resolutions on Syria four times since the crisis began in 2011 (*The New York Times* Feb. 4, 2012, *Human Rights Watch*, May 22, 2014).

of an authoritarian regime – is a common precondition in the evolution of mass killings. When a power elite wants to destroy an enemy, it turns to propaganda experts to fashion a program of hate, a collective hostile imagination that transforms others into an enemy, excluded from ones 'universe of moral obligation' (Fein 1977:x-xi). In Nanking in 1937, Chinese men were used for bayonet practise and decapitation contests, and a great number of the women were raped and then tortured to death (Zimbardo, 2008:16). A Japanese general reported that this had been easy for his soldiers, "because we thought of them as things, not people like us" (Zimbardo, 2008:307). For such a transformation of others to take place, a shared ideology must be invoked, an overriding vision of the world and how to live, that defines certain obstacles to the good or holy life in the form of certain kinds of people who must be discriminated against, removed, eliminated, wiped out (Scheper-Hughes & Bourgois, 2008:14). One overriding ideology that on countless occasions have been used with disastrous results is religion. Indian economist and philosopher Amartya Sen, witnessed as a young boy how in his neighborhood people with diverse identities were suddenly transformed into "ruthless Hindus and fierce Muslims. People who were in other ways quite similar – poor labourers with little economic means – in a fury of dichotomized identities killed each other mercilessly, seeing in their victims nothing but one overriding identity and noticing not their likeness to themselves in most other aspects" (Sen, 2007:3). While the mentioning of a correlation between religion and ruthless violence might seem obvious to some and, perhaps, offensive to others, it is by no means a novel idea. More so is the connection between gender inequality and violence on 'wholesale' level; as formulated by Hudson et al in the book *Sex and World Peace* (2014). The authors argue that gender inequality, in all of its many manifestations, not only destroys homes but also significantly affects politics and security at both national and international levels. States that are more gender equal are less likely to go to war, are less likely to be involved in internal violent crises, and also more likely to be democratic, stable and prosperous than states where norms of violence is rooted in gender inequality.

On the other hand, while more secular and more gender equal countries do not use terrorist strategies within or between their own states, they often have little problem in ignoring – or even supporting – gross and barbarous violations of human rights abroad (Stohl, 1987:164). This observation points towards a discussion about modern society, of which Zygmunt Bauman has famously argued that "the Holocaust was born and executed in our modern rational society, and for this reason it is a problem of that society, civilization and culture" (Bauman, 2000:x). However, Bauman also notes that "the Holocaust was a unique encounter between the old tensions which modernity ignored, slighted or failed to resolve – and the powerful instruments of rational and effective action that modern development itself brought into being" (Bauman, 2000:xiv). Prunier (2009:xxx) writes in a similar fashion about the Rwandan genocide: "Its deepest causes

reached far back into the pre-colonial culture of Rwanda. But it could never have occurred without the manic cultural reengineering of the Belgian colonial authorities. It was both a traditional logic gone mad and a totally modern artefact.” And then we have Antonio Gramsci’s words about the situation in Fascist Italy in the 1930s: “The crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear” (Gramsci, 2007:276).

These statements are interpreted by me as a referring to disastrous clashes between – or better perhaps, overlappings of – what sociologists call *Gemeinschaft* and *Gesellschaft*; words coined by 19th century German sociologist Ferdinand Tönnies with the broad meaning pre-modern and modern societies, respectively. In *Gemeinschaft* people are friendly towards their friends (i.e. family, clan, village), and hostile against their common enemies (more or less everyone else), while in *Gesellschaft* man is an abstract entity and, as such, has friends or enemies only in relation to the goals towards which he aspires. It is here I differ from Bauman, in that I believe that a society characterised by increasing fluidity of social identities and individual biographies (Bradley, 2007:25) also makes it possible individuals to share abstract ideas and to create supra-clan solidarities with other individuals who are likewise made up of diverse identities. Amartya Sen (2007) writes that: “[...] individuation, the awareness of who one is in relation to others, takes place under conditions of role segmentation, which leads to other ways of classifying people, which can restrain the exploitation of a specifically aggressive use of one particular categorization” (Sen, 2007:4).

Still, whether a person lives in a pre-modern or modern society, the terrible truth is that almost anyone can be a perpetrator. The *Lucifer Effect* (Zimbardo, 2008) means that ordinary people – like you or me – can become willing parts of the “banality of evil,” and be responsible for the most despicable acts of cruelty and degradation of their fellows. The expression “banality of evil”, comes from Hannah Arendt’s account of the trial against *SS-Obersturmbannführer* Adolf Eichmann in Jerusalem in 1961, where Arendt found that “everybody could see that this man was not a ‘monster’, but it was difficult indeed not to suspect he was a clown” (Arendt, 2005:90 & 27 respectively). German social psychologist Harald Welzer likewise reminds us of the disturbing fact that the great majority of the Nazi war criminals – from the top brass down to the lowest rung on the ladder – were not sadistic brutes in a clinical sense, but rather “normal, ordinary people” (Welzer, 2007:13). Eight years after the initially mentioned massacre of the Jewish population in Jedwabne, fifteen men (only) were detained by police:

They were mostly small farmers and seasonal workers, two shoemakers, a mason, a carpenter, two locksmiths, a letter carrier, and a former town-hall receptionist. Some were family men (one a father of six children, another of four), some still unattached. The youngest was twenty-seven years old, the oldest sixty-four. They were, to put it simply, a bunch of ordinary men (Gross, 2003:15).

To quote Zimbardo: “a full understanding of the dynamics of human behaviour requires that we recognize the extent and limits of personal power, situational power, and systemic power” (Zimbardo, 2008:x). According to Zimbardo, the main causal agent is the situation or system and not the person. While the situation may be local, the system is world-wide. Most large-scale internal violence post WWII has hit developing societies and regions, and specifically so authoritarian states. The more power a government has, the more it will make war on others and murder its domestic subjects (Rummel, 2008:2). But authoritarian states don't exist in a vacuum. The power elites in Third World countries are invariably linked at both instrumental and structural levels to their counterparts in the countries with which they have military and economic ties. Local cases of state terror are only comprehensible within this encapsulating context (Sluka, 2000, Chomsky & Herman 1979).

Cohen (2013) writes of ‘the atrocity triangle’ of victims, perpetrators and observers. As pointed out by Welzer, individuals always attempt to confer *meaning* to their choice of action, before, during and after the deed (Welzer, 2007:46, my italics). For the perpetrator in the atrocity triangle, it may seem meaningful to be a part of a ‘cleaning process’, to ‘get even’ with some (supposed or real) oppressive, or dangerous category of people, to find a satisfying feeling of power through the instilling of fear in others, or even attaining a bizarre kind of fame (!). For the perspective of one of the perpetrators of the Indonesian massacres of 1965/1966 there is Joshua Oppenheimer's film documentary *The Act of Killing* (2012). In the film, Anwar Congo, killer of a great number of people, surrounded by admiring friends, freely boasts about the killings and re-enacts some of them in front of the camera, while discussing pros and cons of different ways to kill and the merits of various clothes to wear while doing it. In Oppenheimer's words:

The tragedy implicit in this film is that once you've corrupted yourself, by taking one life through a kind of original sin, the justification demands further evil ... it demands, most chillingly, that you kill again if called upon. ... If you refuse, it's tantamount to admitting it was wrong the first time. There's this downward spiral of evil and corruption, which creates this terrifying world (Oppenheimer, 2013).

And here follows the words of ‘Jorge’, a former member of an East Timorese militia group. The only meaning Jorge found in killing was, seemingly, that of not being killed himself:

I don't know, not in numbers, I don't know how many people I've killed. I have been killing since I was eighteen ... My friends and I were forced to join the Indonesian army ... If you don't fight you get killed yourself. I went on operations to kill other Timorese, ordinary people. Then I felt strange. None of us felt good. At first we are sad, we have remorse, but after two or three years it was easy. You get used to killing ... I was just full of hate all the time then. I hate myself too. Every day you see bodies and feel nothing. After a while, your feelings don't work (Turner, 1992:173ff).

Impunity or justice?

When the Nazis planned the extermination of millions of Jews and other ‘undesirables,’ and somebody pointed out possible future implications of this project, Adolf Hitler asked the rhetorical question: ‘Who ever heard of the Armenians?’” The answer, of course, was no one (Kiernan, 2009:xv).⁸⁵ Likewise, Radovan Karadžić, political commissar of the Bosnian Serb project for a racially (or rather, non-Muslim) pure state of Republika Srpska, and his General Ratko Mladić ordered the mass execution of Srebrenica’s male population in 1994 “because they wanted to, because they could and *because they were confident that no one would ever hold them accountable for it*” (Rohde, 2012:373, my italics). Shortly before that, Hutu leaders in Rwanda had watched the world’s indifference to earlier mass killings in Bosnia, and concluded that they too could get away with murdering their ethnic rivals, the Tutsi. Respect for human rights, and accountability for those who violate them, requires the establishment of the rule of law at national and international levels, and the abandoning of a culture of impunity. For approximately 150 years, international lawyers, diplomats, and advocates has contemplated the creation of an international criminal court to hold individuals responsible for criminal acts carried out in the name of the state. In 1915, France, Great Britain and Russia notified the Turkish Ottoman authorities that they would be held responsible for the massacres of the Armenian population (Schiff, 2008:21). Further developments led to the creation of the Permanent Court of International Justice (PCIJ) in 1922. The PCIJ served as the judicial arm of the League of Nations – the forerunner to the United Nations – and produced a number of judgments and advisory opinions on a number of matters such as boundary and maritime disputes, trade regulations, disputes *re* natural resources and treaty interpretations. During the 1930s, however, the world’s governments were more concerned about heightened international tension than with finding solutions to smaller issues of discontent. The PCIJ was unable to meet during the war years and was eventually dissolved.

In autumn 1944, representatives of China, the Soviet Union, the United States, and the United Kingdom met at Dumbarton Oaks, Washington D.C. There, they jointly formulated proposals for a world organization to succeed the League of Nations, and an international court to succeed the PCIJ. On February 5, 1946, the first session of the United Nations General Assembly took place, during which the first members of the International Court of Justice (ICJ) were elected. The ICJ was given a dual role: (a) to give judgements on contentious cases submitted to it by States, in accordance with international law and (b) to hand down advisory opinions on legal questions at the request of the United Nations

85 In Turkey, it is a crime to denigrate the Turkish Nation, according to Penal Code Article 301. The formulations in Article 301 are vague enough to efficiently discourage discussions of a wide range of topics, including the mass killings and deportation of Armenians in 1915 (Suny, 2015:xii).

organs and specialized agencies (Bosco, 2014:6). Chapter XIV of the United Nations Charter authorised the UN Security Council to enforce International Court of Justice rulings. However, such enforcement was, and still is, subject to the veto power of the five permanent members (the so called P5) of the Security Council – United States, China, Russia, England and France. Coinciding in time with the creation of the United Nations and the International Court of Justice were the Nuremberg and Tokyo tribunals where, in the wake of World War II, the victorious side agreed between themselves on unprecedented trials of war criminals. The Nuremberg Trial of Major War Criminals was held from November 1945, to October 1946. Twelve of the accused were sentenced to death, and the rest were given prison sentences. At the similarly established Tokyo War Crimes Trials, senior Japanese political and military leaders were found guilty of crimes against peace, war crimes and crimes against humanity. They were sentenced to punishments ranging from death to imprisonment. There were 12 additional trials held at Nuremberg between December 1946 and April 1949, but this time before a US rather than an international tribunal. The Cold War had begun, and this was to have a strong and adverse influence regarding the possibility of creating an instrument for the implementation of international humanitarian law for years to come.

The ICJ was inaugurated in The Hague on 18 April 1946, and has since then delivered a large number of judgements and advisory opinions on disputes concerning boundaries, territorial sovereignty, diplomatic relations, the right of asylum and more. The ICJ does not, however, deliver ‘judgements or advisory opinions’ on individuals who commit, or order, atrocities. The trials at Nuremberg and Tokyo had been set up by the victor states to enforce justice upon the losing side, and the losing side alone. The beginnings of an international concerted effort to end impunity – the exemption from punishment, penalty or harm – for gross violations of human rights, no matter who committed them, was when the United Nations General Assembly adopted the Genocide Convention on 9 December 1948, and the Universal Declaration of Human Rights the following day (Schiff, 2008:26). Here follows the first three out of a total of 30 articles contained in the Human Rights Declaration:

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

The United Nations General Assembly also in 1948 recognized the need for a permanent international criminal court. Those advocating a court argued that if international justice should apply to senior German and Japanese officials, why not perpetrators of similar crimes around the world? As witnessed already at the second round of trials at Nuremberg, however, the Cold War precluded the construction of such an ambitious new international structure (Bosco, 2014).

The idea of a system of international criminal justice re-emerged after the end of the Cold War. As talks to that effect were taking place at the United Nations during the early 1990's, the world watched in horror the atrocities taking place in Yugoslavia and Rwanda. In both cases, the UN failed to act resolutely to stop the humanitarian disasters on the ground. However, in response to these atrocities, and its own fiasco, the United Nations Security Council established an *ad hoc* tribunal for each of these situations, the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and International Criminal Tribunal for Rwanda (ICTR), in 1994. Weschler (2004:59) describes the establishment of the Tribunal for the former Yugoslavia as "a groundbreaking move, the first explicit acknowledgement that accountability for the most egregious war crimes and crimes against humanity was key to the maintenance of peace and security and that individual responsibility for such crimes was of concern to the Council". But states acting concertedly through the UN system were not alone in their quest for international justice. They were accompanied by, and pushed on by, a broad civil society movement which gained in strength during the 1990s. Untold numbers of citizens in countries around the world – 'observers' in Cohen's atrocity triangle – overcame the 'ostrich problem' (Stohl, 1987), and refused to look away when confronted with the heinous crimes in Yugoslavia, Rwanda and elsewhere. Joining others in Non-Governmental Organizations (NGO's) such as Amnesty, Human Rights Watch, Save the Children, Oxfam and Global Witness, they could launch campaigns, mobilize pressure on parliamentarians and attract

media exposure. They also learned to work through the UN, where they quickly learned that support from the Council majority was not enough, as they repeatedly faced “the brick wall of P5 vetoes” (Paul, 2004:384). Struggling to throw light on certain cases – such as East Timor – NGOs made international justice a priority, and lobbied for a permanent international court, with the jurisdiction to address war crimes regardless of where and by whom they were committed (Bosco, 2014).

In late 1994, the UN’s International Law Commission produced a draft statute for a permanent criminal court, and soon an ad hoc group of states, ‘the like-minded group’, emerged to work on the draft and advance the idea.⁸⁶ The group was heavily European, plus support of several Latin American and African states, Australia, New Zealand and Canada. Simultaneously, a group of non-governmental organizations met in New York in an effort to co-ordinate efforts towards the same goal, resulting in the creation of the Coalition for an International Criminal Court (Bosco, 2014:39). Together, these diverse groups were part of what Kathryn Sikkink has dubbed a ‘norm-cascade’, “a dramatic new trend in world politics toward holding individual state officials, including heads of state, criminally accountable for human rights violations” (Bosco, 2014:15).

The broad diplomatic and activist campaign eventually resulted in the decision to convene a conference of 160 countries in Rome in the summer of 1998. The result was the Rome Statute of the International Criminal Court, adopted on July 1998, with 100 states in favour, 21 abstentions and 7 votes against. According to the Rome Statute, the ICC can try cases of serious crimes committed since 2002 on the territory of ratifying states or by one of their citizens, and will focus its investigations and prosecutions on those who bear the greatest responsibility for such crimes. Unlike the UN Charter, the Statute included no privileges for the P5 nations (Rigney, 2014; Bosco, 2014). Let us here look at the definitions of some of the breaches of human rights falling within the jurisdiction of the ICC: crimes of aggression, war crimes, crimes against humanity and the crime of genocide:

A “crime of aggression” means the planning, preparation, initiation or execution of an act of using armed force by a State against the sovereignty, territorial integrity or political independence of another State. The act of aggression includes, among other things, invasion, military occupation, and annexation by the use of force, blockade of the ports or coasts, if it is considered being, by its character, gravity and scale, a manifest violation of the Charter of the United Nations. The perpetrator of the act of aggression is a person who is in a position effectively to exercise control over or to direct the political or military action of a State.

A war crime can be a single, isolated, dispersed or random act, including willful killing; torture or inhumane treatment, biological experiments; willfully causing great suffering, unlawful deportation or transfer or unlawful confinement; and taking of hostages.

⁸⁶ In more recent years, the term ‘the like-minded group’ has quite conversely been taken over by a group of nations that prioritize national sovereignty over human rights (Goodhart, 2013:434).

The ICC distinguishes ordinary crimes from crimes against humanity as unlawful acts – such as the ones listed immediately above – but which have been “committed as part of a widespread or systematic attack,” “directed against a civilian population,” and committed according to “a state or organizational policy” Genocide is defined in the UN Convention on the Prevention and Punishment of the Crime of Genocide 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: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group.⁸⁷

The Convention states that it is not just the acts of genocide themselves that are punishable, but also conspiracy to commit genocide, direct and public incitement to commit genocide, the attempt to commit genocide and complicity in genocide. It is the specific *intention* to destroy an identified group either in whole or in part that distinguishes the crime of genocide from a crime against humanity (Robertson, 2014:27, my italics).

A few months after the Rome conference, in October 1998, former Chilean president Augusto Pinochet visited a London hospital for back surgery, when a Spanish jurist transmitted a request for the former dictator’s arrest and extradition to Spain, accusing him of having ordered the murder and torture of Spanish nationals during the 1970s. British officials determined that they were obliged to act on the arrest warrant and for a period of time Pinochet was not allowed to leave the country. The House of Lords finally decided that Pinochet could only be prosecuted for crimes committed after 1988, the year that the United Kingdom implemented legislation for the United Nations Convention Against Torture, and in March 2000 Pinochet was allowed to return to Chile. Despite his release, the unprecedented detention of Pinochet in a foreign country marked a watershed in international law, by some considered one of the most important events in judicial history since the Nuremberg trials. It had been agreed that the Rome Statute would enter into force after sixty states had ratified it, and the Pinochet incident appears to have speeded up the pace of this process⁸⁸ (Bosco, 2014; Rigney, 2014). In June 2000, France became the first member of the Security Coun-

87 The term genocide was coined by the Polish jurist Raphael Lemkin in the 1940’s, as he lacked a term to describe the crimes by the Young Turks against the Armenians and Hitler’s Germany against the Jews. The word is composed out of two roots: the Greek word for people – *genos* – and the Latin suffix – *cide* – for murder.

88 A treaty that is not ratified is not legally binding. Signing does not create a binding legal obligation but does demonstrate the State’s intention to examine the treaty and consider ratifying it.

cil to ratify,⁸⁹ and on April 1, 2002 the 60th ratification of the Rome Statute was deposited with the United Nations, when ten countries simultaneously handed in their ratifications at UN Headquarters in New York. On July 1, 2002, the ICC officially opened its doors in The Hague.

The ICC was from the outset plagued by a lack of money, state support, and internal organisational problems. Furthermore, the ICC relies on governments for assisting investigations and bringing individuals to trial. There has also developed an uneasy relation with some African governments. In 2013, all the 21 defendants on trial at the court were African. Among them was Ivory Coast's former President Laurent Gbagbo, charged with murder, rape and other forms of sexual violence. In December 2010, Uhuru Kenyatta, President of Kenya, and other powerful individuals, 'The Ocampo Six' were named as suspects of crimes against humanity by the ICC prosecutor, following violence which claimed about 1100 lives and forced as many as 650,000 to flee their homes, after the 2007 elections in Kenya. When Kenyatta appeared before the ICC in The Hague, he was the first serving head of state to do so. Eventually, the ICC withdrew the charges, stating that the Kenyan government had refused to hand over evidence vital to the case, and of bribing and intimidating witnesses. Kenyatta subsequently, in a speech at an African Union meeting, accused the ICC of being a "toy of declining imperial powers" (Roth, 2014). Defenders of the ICC – including African – on the other hand, rejects such claims, and instead point out that for many on the continent the ICC offers the only means of bringing human rights abusers to justice. Five of the African states where the ICC has been prosecuting suspects have themselves asked the court to intervene, and the 34 strong African block of member countries in the ICC were central in the negotiating of the Rome Statute (Rigney, 2014; Roth, 2014). To many, the strained relations between some African governments and the ICC would seem to be more of an 'African political elite problem' than an 'African problem'.

The case of Darfur in the early years of the current century illustrates both the possibilities *and* the shortcomings of international humanitarian law. In 2003-2004, a civil war between the Janjaweed, an irregular Arab militia supported by the Islamist government of Omar al-Bashir, and two rebel groups from the African dominated Darfur area, claimed the lives of more than 70,000 civilians and uprooted an estimated 1.8 million more. However, much of the international debate on Darfur focused on whether to call what happened genocide, rather than how to stop what was happening. One reason was that many believed that applying the genocide label would commit to an international intervention, as the Genocide Convention from 1948 holds that contracting parties are required

89 France was followed by the United Kingdom on 4 October 2001. Of the states discussed in this text, these have not ratified: The United States, Russia, China, Turkey, Sudan and Indonesia.

to “undertake to prevent and to punish” genocide⁹⁰ (Straus, 2005). Eventually, the UN Security Council referred the situation in Darfur to the ICC. China and Russia, with strong links to the Bashir governments, chose not to use their veto. Initially, Sudan co-operated with the ICC, but when prosecutors issued arrest warrants for a senior government minister and a Janjaweed leader, Khartoum refused to co-operate anymore. The situation went from bad to worse, when in March, 2009, the court issued an arrest warrant on Bashir himself, charged with crimes against humanity and war crimes. In the months after the arrest warrant, Bashir made a point of travelling extensively in non-ICC countries in Africa and the Middle East; and at an Arab League summit in Qatar in March 2009, the assembled leaders expressed their solidarity with him. In June 2015, Bashir travelled to South Africa for an African Union summit. A South African court then ordered that he be prevented from leaving the country while it was decided whether he should be arrested under the ICC warrant. The South African government, however, quietly allowed Bashir to leave, which caused a political scandal, especially so since South Africa – unlike Sudan – has ratified the Rome Statute (Bosco, 2014; *The Guardian*, June 24, 2015).

Perhaps the ICC’s greatest success, as Rigney (2014) points out, may be its very existence, and its greatest legacy may well be the cases that *don’t* appear before it, as ratifying countries have had to strengthen their legislation relating to genocide, crimes against humanity, and war crimes. And it goes without saying that it is a success in itself that so many countries have agreed on this unprecedented global court.⁹¹ However, as can be deduced from the Sudan/Darfur case, there are still powerful obstacles to impartial international justice. The biggest obstacle is undoubtedly the refusal of a number of states to ratify the Rome Statute, including the major global powers (Bosco, 2014). By no means do I wish to convey the impression that the continuing ratifying of the Rome Statute will automatically lead to a better world. I am quite sure, however, that it would increase the ‘production cost’ of state terror and its support. In the words of Schiff (2008:2) “[...] the Court could become an unprecedented, sterling achievement, or it may be a great idea whose time has not arrived”. But, then again, time hadn’t come for the liberation of East Timor for many years, but persistence and resistance won in the end and at least partly created its own time!

90 Likewise, during the period of mass killings in Rwanda, the ‘g-word’ was not used by states who would otherwise have felt that they would have to intervene.

91 At the time of writing, of the 139 states that have signed the treaty, 31 states have not yet ratified, and 41 states have neither signed nor ratified that Statute.

Epilogue

And what about justice for East Timor?

In late 1999, the UN Security Council demanded that those responsible for systematic and flagrant violations of international human rights law following the referendum in East Timor be brought to justice, and recommended the establishment of an international criminal tribunal. Indonesia rejected this proposal, and promised instead to provide justice for atrocities committed by its nationals in East Timor. The Security Council accepted Indonesia's assurances, and in August 2001 Indonesia set up an Ad Hoc Human Rights Court with the stated intention of bringing to justice those responsible for the 1999 killings. In the end, all eighteen of the Indonesian Armed Forces officers suspected of orchestrating the violence were acquitted. The only person jailed was an East Timorese leader of an anti-independence militia, who was also later acquitted after the Indonesian Supreme Court decided he was not responsible for killings carried out by his subordinates. As I began writing this article in September of 2014, I read in my local newspaper that Prabowo Subianto, 'a moderate', was running for President of Indonesia. What the newspaper didn't mention was that the very same Prabowo had been an important actor during the Indonesian occupation of East Timor, beginning his career as leader of the infamous *Nanggala* killers in the late 1970's. Prabowo eventually finished a close second in the presidential contest.

As I finish writing this text, a gang of religious zealots murder anyone they consider to be an infidel, in the very area in which the Armenians met with disaster. Disenfranchised Muslim youths from the West, recoiling at the thought of entering a world of multiple identities – and often feeling rejected by that world – opt instead to choose one identity to rule them all. IS/Daesh have moved up step by step on the ladder of violence hierarchy, from 'retail' to 'wholesale' and a *de facto* state of their own. In September 2014, IS destroyed a church and a library in Deir Ezzor, built in 1991 as a center for commemorating and documenting the 1915-1916 mass-killings. Full circle, one might say, and perhaps even pointing towards another hundred years of horrors. But, in the words of Amartya Sen (2007:xiv), "we can do better than that." Indeed we can. If we don't turn our heads and pretend that we just don't see. I initially wrote that national or international elites will use any level of violence to preserve control if they can get away with it. I say, don't let them!

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