

# **ERODING THE MYTH OF PURE EVIL: WHEN VICTIMS BECOME PERPETRATORS**

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## **1. INTRODUCTION**

The myth of pure evil defines the way we look at extreme atrocities. It portrays the perpetrators thereof as bad and evil and the victims as good and innocent and thus classifies the victims and the perpetrators in two extremes, two mutually exclusive groups: the good and the bad. One may wonder however whether this is always fair. The distinction between perpetrators and victims might be clear cut when analyzing a single event for example a woman who kills her husband with a knife. Yet if we look at the context the distinction between perpetrator and victim might not be so clear cut when -to use the same example- it turns out that the wife has been abused, mistreated and sexually exploited by her husband for years and that he was about to attack her again. This is no different for perpetrators of international crimes. International legal doctrine has qualified perpetrators of international crimes as *hostes humanis generis*, enemies of all mankind yet one may wonder if this classification is always adequate if we -rather than taking the crime- merely take the person who committed the crimes into account. The aim of this chapter is to test whether the myth of pure evil in which the two groups are mutually exclusive is an adequate representation of reality or whether we need to take a more nuanced view.

In the following paragraphs we will focus on perpetrators of international crimes and discuss to what extent perpetrators can also be victims and victims can become perpetrators. In the paragraphs two to four we will distinguish three types of situations. In paragraph 2 we will consider perpetrators who are driven by an ideology in which they themselves are depicted as the victims. In paragraph 3 we will focus on victims who as a means of self defence commit atrocities and thus become perpetrators themselves. In paragraph 4 we will focus on various situations of enforced compliance and cooperation in which some are pressured and forced by others to go along. In paragraph 5 three cases studies will be discussed in which victims come to cooperate with the oppressor and commit atrocities. We will focus on Ans van Dijk a Jewish woman who during the Second World War betrayed more than one hundred fellow

Jews thus causing their deportation to a death camp; Joe Mamasela a black South African askari who started to work for the white apartheid state and became involved in 44 killings; and Ishmael Beah a child soldier from Sierra Leone who committed atrocities. These three case studies show more than anything else that the distinction between victims and perpetrators can become blurred and that ultimately people can be victims and perpetrators at the same time. These sad and tragic case studies have led and still lead to all kind of difficult moral, ethical and legal dilemmas which will be briefly discussed in paragraph 6.

## **2 THE ROLE OF PAST VICTIMHOOD IN GENOCIDAL AND OTHER VIOLENT IDEOLOGIES**

Genocide, crimes against humanity and war crimes are manifestations of collective violence and the outcome of violent political conflicts in which ideologies usually play a crucial role (Cf. Fein 1993, Staub 2003, Alvarez 2008). Ideologies provide the motivation, rationalization and justification for the violence used and thus serve as catalysts for action. Ideologies often rely on the myth of pure evil and portray their battle as good versus evil. Von Clausewitz, one of the most prominent scholars on war concluded that: ‘War is inconceivable without a clearly defined image of the enemy’. To depict the enemy as evil helps to ‘create an obligation and an incentive to fight. If the enemy is clearly evil, then it is right to hate him and it is appropriate to do one’s part to defeat and destroy him’ (Baumeister 1999, 84). If the other is pure evil, this would justify the use of whatever means available.

The myth of pure evil however is not only used in war but also figures in the ideologies of states that use one-sided (genocidal) violence against a certain group of people. The myth is usually based on past victimization. Past victimization (just like alleged past victimization) is one of the most powerful motivating factors. Many perpetrators of international crimes have been motivated by their aim to avenge crimes committed against them or their people in the past and to thus set the record straight. The fact that past victimhood is such a powerful motivating factor has within history often been abused by political entrepreneurs. Especially when a state faces difficult life conditions it is appealing and psychologically comforting to blame someone else rather than oneself for the misfortune (Staub 1989). Hitler’s rise to power was to a large extent based on the stab in the back legend in which the Jews were blamed for Germany’s disgraceful loss in the First World War. In addition to this the Jews were

furthermore blamed for many other misfortunes such as the economic crisis which, according to the Nazi ideology was caused by Jewish greed. To blame a privileged minority for the misfortune of others is not a unique feature of Nazi ideology however. Many political power holders have used this type of political propaganda as a means to justify their violence. Stalin for example justified his oppressive policies by asserting that a group of political saboteurs conspired to bring down the Soviet state and caused his five year plans to fail. By arbitrarily arresting people, by sending them to work camps for hard labour, by torturing them and forcing them to admit to their “guilt” in show trials Stalin tried to depict his political opponents as terrorists who needed to be treated harshly and the Soviet population as the victims in need of protection. Political rhetoric in which past victimhood is combined with an alleged new threat is particularly effective to motivate people as we have seen in 1994 during the Rwanda genocide. While it is still debated who killed president Habyarimana of Rwanda by bringing down his plane in the night of the 6th and 7th of April, Tutsis were immediately blamed for his death. Rumours were started that the Tutsis were about to commit genocide against the Hutus once again thus motivating a large number of Hutus to sincerely believe that they were doing good and merely protecting themselves while in reality they were the aggressors and were committing genocide.<sup>1</sup>

Genocidal and other violent ideologies do not only rely on the myth of pure evil and refer to past victimhood to mobilize the masses and to politically justify the violence. Baumeister (1999, 95) concluded: ‘The myth of pure evil encourages people to believe that they are good and will remain good no matter what, even if they perpetrate severe harm on their opponents. Thus, the myth of pure evil confers a kind of moral immunity in people who believe in it. [...] It allows evil to masquerade as good’. In conclusion we can say that many perpetrators use violence because they feel entitled to do so (Cf. Foster et al. 2005) and this entitlement is often based on past victimhood. In other words: many perpetrators see themselves as victims (cf. Baumeister 1999, 47-48) and whether this perception is based on true facts or fabricated does not make a difference to the perpetrator once he sincerely believes in it.

### **3. COMMITTING CRIMES WHILE ASSERTING THE RIGHT TO SELF DEFENCE**

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<sup>1</sup> Obviously this is not the only explanation for the genocide as many other mechanisms played a role as well. See for example Straus 2006; Fujij 2009 and Smeulers & Hoex 2010

Within many violent political conflicts victims try to fight back as a means of self-defence. Self defence is both morally and legally considered a legitimate reason to use violence. The Charter of the United Nations provides the right to self defence in case a state is attacked (See art. 51 UN Charter). But even when an oppressed group uses its legitimate right to strike back and when the outside world acknowledges this right, it can still come to commit crimes especially when it's struggle is considered illegitimate by the political power holders it fights. An example thereof is the African Nation Congress (ANC) which tried to fight the apartheid regime with peaceful means at first but after the top leaders such as Luthuli, Mandela and Sisulu were given long prison sentences in the Rivonia trial, the ANC decided to take up arms. In their struggle against the brutal apartheid regime they themselves however also committed atrocities not only against the white oppressor but also against their own people. Young activists for example used neck lacing as a means to punish alleged traitors. Neck lacing is a method whereby a tire filled with gasoline is forced around the neck of a victim and set on fire resulting in a brutal and painful death. As a final conclusion the South African Truth and Reconciliation Commission (TRC) noted that it 'fully endorsed the international law position that apartheid was a crime against humanity. It also recognised that both the African National Congress (ANC) and the Pan African Congress (PAC) were internationally recognised liberation movements that conducted a legitimate struggle against the former South African governments and its policy of Apartheid.'<sup>2</sup> It however also stressed that it was important to draw a distinction between the conduct of a 'just war' and the question of 'just means' and concluded: '... whilst its struggle was just, the ANC had, in the course of the conflict, contravened the Geneva Protocols and was responsible for the commission of gross human rights violations.' The TRC thus took a fair and nuanced view on the blameworthiness of the various groups who committed crimes.

The openness of the ANC in this respect is however rather unique. Most victim groups do not like to be questioned on crimes they themselves might have committed. In Rwanda 1994 the Hutus committed genocide on the Tutsis and were thus responsible for the most atrocious crimes. It is however equally true that the RPF, the Tutsi rebel force which tried to stop the genocide and gain political control over Rwanda, committed atrocities as well. Unfortunately the current Tutsi regime led by Paul Kagame, the former commander of the RPF in 1994, is not open for any allegation on this point as Carla del Ponte noticed when she, acting in her

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<sup>2</sup> TRC report vol. 6 section 5, chapter 3 page 642.

position as prosecutor of the ICTR wanted to investigate alleged crimes (Del Ponte 2008). Post conflict justice is usually victor's justice. The Allies for example never wanted to accept that the bombing of several German cities and the dropping of two atomic bombs on Hiroshima and Nagasaki killing many thousands of people while there was no absolute military necessity to do so might be considered a war crime as well. These examples all show that even in a perfectly legitimized struggle in which we can identify a perpetrator/aggressor and a victim/saviour the good can commit crimes in their legitimate aim to protect the victims or overthrow a dictatorial and genocidal regime.

#### **4. ENFORCED COMPLIANCE AND COOPERATION**

Perpetrators often use a system of enforced compliance and cooperation to make sure that people go along. There are many forms and examples of enforced compliance and when discussing them we should clearly distinguish between these forms. There are for example huge differences in amount of pressure used but also and may be even more importantly in the vulnerability of the person put under pressure. Enforced compliance can furthermore lead to several types of cooperation such as people who are forced to play a minor role to people who are forced to actually torture or kill someone else. All oppressive states who systematically commit international crimes use a certain degree of enforced compliance. Most middle and low-ranking perpetrators themselves experience at least a certain degree of pressure to comply. They are usually members of a militarized unit and within these units obedience, compliance and loyalty are highly valued virtues. All militarized units are hierarchically structured and members of such units are usually under a military and legal obligation to obey orders from their superiors and thus a certain amount of pressure and force is inherent to the system. Disobedience and non-compliance will often lead to disciplinary sanctions or criminal prosecution. They carry heavy sanctions especially in war time; desertion often even the death penalty as disobedience and desertion can be considered high treason which is a severe crime in many countries. Such pressure leads to a situation in which many recruits do as they are told even if they do not agree with the politics and orders. In some cases such pressure becomes extreme as is the case in the documented study on the training of the military recruits of the ESA under the Greek colonels regime. The study by Gibson and Haritos-Fatouras (1986) and later by Haritos-Fatouras (2003) clearly shows that these recruits were trained in an extremely coercive environment in which they lived in constant fear and were continuously

humiliated, threatened and abused themselves and thus had few options but to comply. After studying these coercive training methods Gibson and Haritos Fatouras (1986, 50) concluded that there is a cruel method to train people how to torture: 'almost everyone can learn it'. The recruits from this Greek torture school were for a prolonged period of time put under extreme duress and as a consequence thereof were successfully transformed into torturers who committed horrendous crimes.

Next to coercive training people are sometimes forced to comply and cooperate and commit a certain crime by using a more direct threat. During the Rwandan genocide for example many Hutus had to prove their loyalty by raping, mutilating or killing Tutsis. The penalty for not doing so often was that they were raped, mutilated or killed themselves. Testimonial evidence shows that many Hutus who did not comply with such orders were killed and many testified that they were more afraid of their fellow Hutus than they were afraid of the Tutsis. A direct death threat is a very effective means to enforce compliance and many perpetrators have experienced such pressure. Erdemovic who stood trial before the ICTY said that after he complained about the order to shoot all Muslim men who were brought to their units by bus, he was given the choice to join the ranks of the shooters or to stand in line with the victims and be shot together with them. Pressure, force and threats appear in all kind of forms and depending on the situation can be effective or not. From the outside it is difficult to judge if the threat is perceived as a serious threat by the victim thereof. Coercion and threats are often used against people who are vulnerable and thus more likely to give in. There are many ways in which people can be vulnerable. They can be very old or very young, female in a male's world, physically weak or mentally unstable but they can also be vulnerable because of their affiliations with the targeted group. In Rwanda for example Hutus who did not agree with the genocidal policy or were married to a Tutsi, who had Tutsi friends or family members, were all extremely vulnerable. They felt pressured to prove their loyalty to the Hutu cause and by doing so hoped to save their beloved ones.

*'I joined a group of killers from the Interahamwe. They were already trained. I needed to go with them; otherwise I would be killed myself.'* (Personal interview)

*'They were saying we were also Tutsis – people coming from other parts of the country said we were Tutsis. Then a relative who was a soldier took me and gave me a gun to protect my family ... Another soldier came and ordered me to kill people who*

*were in the church and I killed them. [...] I only wanted to protect my family. (Personal interview)*

The most extreme and also most tragic form of enforced cooperation is when perpetrators force members from the targeted victim groups to cooperate with them and play a role in the discrimination and destruction of their own species. Unfortunately several dictatorial and oppressive regimes have successfully relied on this method and thus forced victims to cooperate. In some cases victims are forced to cooperate at gunpoint in others perpetrators have used more refined methods in which they compromised victims into cooperation. In some cases this enforced cooperation is so successful that those pressured into cooperation work rather independently and commit crimes themselves. Although all forms of enforced cooperation and compliance to some extent victimize the people put under pressure, these latter cases are the most clear cut examples of how this method can compromise real and actual victims into committing crimes. More than anything else it shows that there are cases in which we can consider certain people as victims and perpetrators at the same time thus eroding the myth of pure evil.

As these cases more than the cases described in the two paragraphs above are so extreme and clear cut they will be warranted extra attention in the next paragraph. Three case studies in which victims started to work with the oppressor and committed crimes will be discussed alongside the aftermath and the moral and legal dilemma's which arose in these cases.

## **5. CASE STUDIES**

In this following paragraph three case studies are presented in which victims were forced to cooperate with the perpetrator, gave in and participated in atrocities themselves. The first case study is of Ans van Dijk a Jewish woman who betrayed hundreds of fellow Jews. She was one of the many victims of the Nazi system which used forced compliance and cooperation extensively. The second case study is from South Africa in which the white oppressor managed a very successful askari - system in which black people were used and abused by the white oppressor to fight the resistance movement. The story of Joe Mamasela, one of the best known askaris, will illustrate how the system worked. In the last subparagraph we will focus

on Ishmael Beah a former child soldier from Sierra Leone thus exposing the enforced compliance and cooperation of child soldiers.

## **5.1 THE ROLE OF THE JEWS IN THE HOLOCAUST**

The Nazis were extremely successful in using enforced compliance and cooperation amongst the Jews in the occupied territories during the Second World War. They installed Jewish Councils which performed the duties of spokes organs and had to meet with the Germans on a regular basis and were thus compromised into cooperation. The members of the Jewish Councils were given some privileges but were in the meantime requested to compile lists of Jews to be deported. They thus faced a devils choice: by cooperating they actually played a role in the deportation and destruction of their own people but by cooperating they could at least save their own lives for the time being and make sure that at least some human considerations were taken into account when selecting people and organizing the means of selection (cf. Arendt 1964). The use of Jewish Councils was however certainly not the only means the Nazis used to enforce compliance and cooperation. Even within the concentration and death camps inmates themselves played an important role in organizing the daily routine of the camps. Some inmates, usually former convicts or political prisoners became Kapo, a position which gave them many privileges and a position of power over other inmates. The Nazis used this method to keep a tight control on the inmates. Jewish inmates were forced to work. Some had to assist Mengele and the other Nazi doctors in conducting cruel experiments and others were even forced to play a role in the extermination of their fellow inmates. They helped with the selection; they were forced to make sure that the extermination process would run smoothly by comforting and deceiving the people who were destined to die in making them believe that they would merely take a shower. Members of the so-called *Sonderkommandos* were Jewish inmates who were responsible for the disposal and burning of the bodies of the inmates who had just been killed and exterminated in the gas chambers. The most effective and damaging means of enforced compliance and cooperation within occupied territories was however achieved by giving arrested Jews the choice to either be immediately deported or to save their lives by cooperating with the Germans and by providing names of other Jews who went into hiding. Although we do not know any exact figures on how many Jews accepted the offer we know that at least some did. Amongst them Ans van Dijk.



Ans van Dijk was born in 1905 in the Netherlands. She was Dutch and Jewish, although not a practicing Jew and lived in the Netherlands during the German occupation in the Second World War. Before the war she owned her own business: a shop which sold hats to women. After the Germans forbade all Jews to have their own businesses and took her shop, she started to work for the resistance movement during the early years of the war. As such she helped Jews by providing them with money, false identity cards and shelter and even helped people to escape from the Netherlands and thus a certain death at the hands of the German oppressor. She could avoid being arrested herself in the beginning of the war because she had not been registered as a Jew. On the 26th of April 1943 she was arrested by a Dutch policeman called Schaap. Schaap worked for the department of Jewish affairs a specialized section of the German Security forces (the SD or *Sicherheitsdienst*). Schaap and some of his colleagues such as Abraham Kaper and Gerrit Reinier Mozer were infamous for their violent and ruthless nature. Thanks to a system in which they earned extra money (*kopgeld*) for each arrested Jew they realized that they could gain a lot by working extra hours and consequently showed particular zeal in arresting and deporting Jews. When they arrested Ans van Dijk they offered her a deal: she could save her life by revealing the addresses of other Jews. In his testimony after the war Schaap explained that all Jews were offered such deals and that it was easy to find enough people even Jews to work for them on this basis. The Dutch police had together with the Germans set up a system of what they called *V-männer* in which they deliberately abused the vulnerability of people they arrested and took advantage of their knowledge of and contacts with the resistance movement or Jewish community. People who had accepted such deals often had to continuously prove themselves. In addition to their safety they could earn some money for their work. Ans van Dijk, like at least ten others had done, accepted the deal and revealed some addresses. She was however put under further pressure to keep revealing addresses in order to stay safe. She was set free and was ordered to stay in touch with the resistance movement and the Jews in Amsterdam who tried to hide from the police and the Nazis and she had to regularly reveal their whereabouts. Sometimes she had to check addresses provided to her by the policeman and check whether there were Jews present. On other occasions she was put in a cell together with other Jews pretending she too was arrested in order to gain their trust and find out about other hiding Jews. As such she could keep her freedom and prevent to being sent off to Auschwitz or another death camp in Nazi Germany herself.

Sadly enough however Ans van Dijk did her job very well and was particularly effective. Schaap who had forced at least 9 other Jews to work for him, described her as his best employee (Groen 1994, 83). She became the leader of a small group of Jews who tried to save their lives this way and worked closely together with the Dutch policemen. The group was formed on the initiative of Schaap and consisted mainly of other Jews who had accepted similar offers and worked for him. They got in touch with other Jews, pretended to find them safe places to live, brought them to these places, but rather than helping them to escape they told the police their whereabouts so that they could be arrested and deported. As such Ans van Dijk was responsible for the betrayal of many Jews amongst whom her brother and his family and the families of her friends and business partners (Groen 1994, 9). Groen (1994, 124) calculated that 145 people were betrayed by Ans van Dijk and her group, 107 Jews of whom at least 80 died, and 38 non-Jews of whom at least 4 died. Ans van Dijk continued her work until the end of the war. At her trial after the war she stated that she was terrified: they knew about her illegal activities within the resistance movement and she could therefore be deported at any time. She said she had no choice but to cooperate.

On the 20th of June 1945 and only a few weeks after the official end of the Second World War Ans van Dijk was arrested. She was prosecuted for the betrayal of Jews. Despite the difficult situation she was confronted with and the undeniable fact that Ans van Dijk was a victim and only started to betray fellow Jews after she was betrayed and arrested herself she was convicted to the death penalty and was executed on January 13th 1948. After the Second World War thirty-five people were executed in the Netherlands. Ans van Dijk was the only woman and the only person from Jewish origin who was executed. During her trial Schaap and Kaper tried to convince the judges that all their employees worked on the basis of their own free will (Groen 1994, 149 and 151). They thus tried to diminish their own roles and said that Ans van Dijk was very willing to help them. Schaap even said that he did not have to force van Dijk but he also admitted that if she would not help him she would have been sent to Poland and thus towards an almost certain death in one of the extermination camps. During the entire trial Ans van Dijk was reproached by the public, prosecutors and judges alike who all ignored the difficult position she had faced. No real attention was given to the fact that she was a Jew and that her life was in peril (Cf. Groen 1994). Her being Jewish was seen as an aggravating circumstance rather than as a mitigating circumstance (Groen 1994, 240). Ans van Dijk was described as cowardly, egoistic and her homosexuality was described as sexual perversion which could indicate abnormalcy (Groen 1994, 181). The fact that Van Dijk

showed remorse did not help her. In order to –yet again try to save her life- Ans van Dijk at a certain point started to falsely accuse others. It merely bought her some time but failed to save her from the death penalty.

Koos Groen (1994) wrote a book about Ans van Dijk in which he documents her life but he found little answers to the question as to why Ans van Dijk became such an effective traitor. He however points out that it is very remarkable that a Jewish woman whose fate would have been deportation to a death camp had she not cooperated with the Nazis was convicted to the death penalty and executed. He wondered whether the fact that she was Jewish, a woman and a known homosexual might have played a role. There are clear incidents in her life in which she herself was discriminated against precisely for these three reasons. It is however impossible to give definite answers. We merely know that in a written statement Ans van Dijk wrote down: ‘I admit that I played an awful role. But I did not do this out of my own accord but because I was afraid of Schaap. He continuously threatened to kill me if I did not betray more Jews. I did not have a regular salary but was given some money every now and then’ (Groen 1994, 149, my translation, AS). In another statement in which the judge asked her to explain why she betrayed so many people she said: ‘I was completely insane. I was terrified of the SD. They had threatened me. I could not go into hiding’ (Groen 1994, 164, my translation, AS). The weeks before her execution she started to embrace the Catholic religion and had long talks with one of the nuns. She said that she felt guilty and felt remorse. Her victims appeared in her dreams. She saw them standing before a firing squad and still felt terrified (Groen 1994, 205).

Within the Netherlands the name of Ans van Dijk became a symbol: she became the personification of treason and betrayal. She however at the same time is the personification of a victim who has been successfully transformed into a perpetrator. There is no way of going around the fact that she was a victim but she also committed crimes by betraying over one hundred fellow Jews. Although the threat of being sent to a death camp herself would have been an always present and imminent threat in her life, she at some point worked rather independently and became extremely effective in her work. Her motive was clear: she wanted to save herself but she did so at the expense of others. The Nazis had a clear hold of her: they could send her off to a concentration camp any time. They however didn’t as Ans van Dijk did her job very well. It seems that she at some point accepted her fate and decided to adapt

and still enjoy her life as much as possible. We can thus conclude that Ans van Dijk was a victim and a perpetrator at the same time.

## **5.2 THE SOUTH AFRICAN ASKARIS**

When the South African National party gained political power in South Africa in the 1940s it installed a system of racial segregation better known as Apartheid in which the privileged white minority suppressed the underprivileged black majority. Until 1960 the black majority organized peaceful protests but after the police had violently crushed a demonstration and killed 69 people at Sharpeville on 21st of March 1960 the ANC announced to take up weapons against the white oppressors. ANC's military wing, Umkhonto we Sizwe (MK) was going to take the lead in the guerrilla warfare. Black protests were forcefully opposed leading to another massacre in 1976 in Soweto when 170 people amongst whom more than 100 schoolchildren were killed. In 1977 Prime Minister Vorster launched his Total Strategy in which almost any means to suppress the black population and all other political opposition was considered acceptable and legitimate. This policy led to mass arrests, political killings and systematic torture. The South African Police and particularly the security police have a fearsome reputation for interrogation and torture (Pauw 1991, 63; see also Foster 1987). Many prisoners died at the hands of their torturers like for example Steve Biko, the leader of the Black Conscious Movement who died in 1977.

The security organs such as the Security Branch were given more and more power and seemed to operate outside and above the law. Within the country several death squads such as Vlakplaas and the Northern Transvaal Security Branch became operational. In addition to being a death squad the purpose of Vlakplaas was to serve as 'a place to rehabilitate turned terrorists'.<sup>3</sup> When Dirk Coetzee was appointed as the first commander of Vlakplaas in 1980 there were 17 so-called askaris. Askari is a Swahili word for black soldiers who were 'former members of the liberation movements. The aim was to transform these askaris into spies who came to work for the Security Branch, providing information, identifying and tracing former comrades.'<sup>4</sup> The practice had successfully been used by Koevoet, an elite corps which operated in the Rhodesian war and which systematically tried to 'turn' captured guerrillas into askaris, traitors who helped them by telling on their former comrades as a means of counter-

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<sup>3</sup> TRC report. Vol. 2, chapter 3, page 317.

<sup>4</sup> TRC report, vol. 6, section 3, chapter 1, p. 217.

insurgency. In some cases former members of the liberation movement defected on their own accord but many more were forced to work for the security forces after they were arrested, abducted or otherwise captured. The 'turning processes included extensive torture and those who did not accept the deal were 'brutally killed and often buried in secret locations or in unnamed graves in cemeteries.'<sup>5</sup>

After their transformation the askaris at Vlakplaas were divided into various units supervised by a white policeman. Four squads were formed which operated under the command of a white policeman. The primary function of the groups was surveillance and detection of infiltrators (Pauw 1991, 48). They had to infiltrate the mass movements and pose themselves as MK operatives and identify military trainees. They had to tell on others, lure them into ambushes or personally kill them. At some point askaris were given bounty money for people they informed on but later they received a regular salary. Askaris could never be safe however. They were carefully monitored by black security branch policemen.<sup>6</sup> Eugene de Kock the commander of Vlakplaas as of 1985 testified that he electronically surveilled the askaris and had set up a spy network and that there were strict disciplinary rules and all those whose loyalty was questioned or who were considered a threat or 'weak link' in the chain were killed.<sup>7</sup> In its final report the TRC concluded that the practice of abducting, torturing and transforming former guerrillas into askaris was widespread and Vlakplaas thus turned into a counter-insurgency unit<sup>8</sup> and became the 'special forces' of the security branch.<sup>9</sup> The askaris were considered an extremely useful and a valuable source of information<sup>10</sup> and the system proved to be extremely effective.<sup>11</sup> According to Pauw (1997, 172) there were more than a hundred askaris deployed by the security forces. Joe Mamasela was one of them.

Joe Mamasela became a very effective askari who worked for Vlakplaas and later for the Northern Transvaal Security Branch and as such became involved in at least 44 murders amongst which the well documented murder of Mxenge. Joe Mamasela was an active member of the student's movement and joined the ANC in 1977. He was an ANC undercover agent.

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<sup>5</sup> TRC report, vol. 2, chapter 6, p. 545.

<sup>6</sup> TRC report, vol. 6, section 3, chapter 1, page 218.

<sup>7</sup> No one was spared. One of the first main tasks of Eugene de Kock when he became a leader of Vlakplaas was to kill his predecessor Dirk Coetzee. A mail bomb addressed to kill Coetzee ended up in the hands of his lawyer killing him instead of Coetzee.

<sup>8</sup> TRC report, vol. 2 chapter 3, p. 317.

<sup>9</sup> TRC report, vol. 2, chapter 1, page 30

<sup>10</sup> TRC report, vol. 2, chapter 3, p. 281.

<sup>11</sup> TRC report, vol. 6, section 3, chapter 1, p. 218.

At some point he was arrested by the security forces for theft and brutally tortured for 48 hours before he broke down and agreed to start working for the security forces (Krog 1999, 263). First as an informant for the security police, later at Vlakplaas and still later in a death squad within the Northern Transvaal Security Branch led by Jack Cronje (De Pauw 1997, 170). Mamasela recounted that when he was captured by the security forces he was tortured by Captain Viljoen who was 'diabolic and satanic' and forced him to undress and poured ice cold water over him: 'They put electronic apparatus all over my genitals, my entire body, underneath my toes and all that. But the worst thing that this man did was to take something like an electronic stick that they use to prod cattle with, he stuck it in my anus and that was the most excruciating pain I have experienced in my life. I lost consciousness for a long, long time and when I woke up; I found that every part of my body was bleeding. My nostrils, ears, mouth, my genitals were bleeding. This man kept on repeating this sadistic way of torturing me' (De Pauw 1997, 172). 'There was no way I could resist further, they left no doubt in my mind that they can, and will, and are eager to kill me. So I said no, I will help you, what do you want me to do?' (De Pauw 1997, 172-173).

Mamasela started to work for Dirk Coetzee, the commander of Vlakplaas at the time. He infiltrated in groups and lured young activists to death by promising them to bring them to ANC training camps (Pauw 1997, 176). In some cases he killed his victims (all black activists) by strangulation but made it look like a neck lace murder in order to implicate other black activists (Pauw 1997, 187). Mamasela was involved in many brutal operations and many killings. He abducted young men, drugged them and burned them to death (Bell 2003, 344). He for example was one of the people who killed Griffith Mxenge a well-known anti apartheid activist (Pauw 1991, 15). Mamasela was known for his cruelty and effectiveness to which he admitted himself: 'My role was to choke them, to strangle them. Just to keep them quiet' (De Pauw 1997, 178). He sometimes used unnecessary cruelty by making fun of his victims and ordering them to recite prayers (see for an example Pauw 1991, 34). He ultimately was involved in the killing of 44 people (Bell 2003, 15).

Just like Ans van Dijk Mamasela turned out to be very good at his job and somehow accepted and adapted into his new role. Dirk Coetzee, the leader of Vlakplaas said that Mamasela had a killer instinct: 'He was ruthless and had the killer instinct. He was a born killer' (De Pauw 1997, 171). Coetzee admitted that 'in a way he was forced into killing. But he never objected and was always willing to do the job. He was an outstanding criminal and a cruel man' and

offered an explanation: 'Mamasela hated the ANC as much as we did. He was waging his own war against them' (Pauw 1997, 171). Mamasela could not get along well with De Kock: 'De Kock wanted to make us dogs of war. Vlakplaas became a labour camp. We used to work like slaves. We used to dig trenches, build buildings and sometimes we had to shoot the whole day. You know, there was this war psychosis that was put in our head' (Pauw 1997, 68). The askaris feared De Kock who apparently had a sjambok with which he flogged them (Pauw 1997, 68). Mamasela recounts: 'He had this grip over the minds of the askaris. He instilled fear. Everybody feared him. Even today, the askaris think that they will wake up and find that De Kock is still in charge' (Pauw 1997, 68). After De Kock took over the command Mamasela followed Jack Cronje to the Northern Transvaal Security Branch and continued to work as probably one of the most effective askaris within South Africa. One of his white colleagues at the Northern Transvaal Security Branch unit recounted: 'Mamasela and I were [...] bloodthirsty and enjoyed our work. Mamasela shared our sentiments about the ANC. He hated the ANC and was taking revenge for the neck lacing of his brother' (Pauw 1997, 176). Allegedly Mamasela together with his brother was arrested by the ANC after he had started to work as a traitor and his cover blew. While Mamasela himself managed to flee his brother was killed and Mamasela vowed that he would not rest until he had avenged his brother's life. Several other former white policemen who had worked with Mamasela confirmed that he was a cruel man who had a talent for killing and was very useful to them. 'If you wanted it quick and clean, you sent Mamasela' one of them said (Krog 1999, 265).

After Coetzee had been fired and revealed the existence of death squads such as Vlakplaas in South Africa in the late 1980s a huge cover-up was organized. Mamasela received a large amount of money for his services and in order to make sure that he would keep his mouth shut. Several of his former commanders such as Van Vuuren and De Kock said that Mamasela always wanted money (Pauw 1997, 176). He wanted money for the killings and, according to De Kock excessive amounts to keep his mouth shut (Pauw 1997, 179) and Pauw himself noted that Mamasela was always talking about money. He is known to live an expensive life style in the nineties (Cf. Pauw 1997 and Krog 1998). Mamasela financially gained from his role in South Africa's Apartheid state.

After the TRC was installed and investigated the crimes of the Apartheid system Mamasela refused to apply for amnesty because he regarded himself a victim of the Apartheid system rather than a perpetrator (Pauw 1997, 170). In 1997 he explained in a court: 'I'm a black

person. I was born and brought up in this country. Every black person is a victim of the oppressive regime of the South African police, of the South African government in the past, and that's a fact' (Pauw 1997, 171). In his statements before the Truth and Reconciliation Commission Mamasela explained that he had to follow the orders that he would have been killed if he would not have done so. In an interview with Antjie Krog he stated: 'I had to fight for my own survival. I was a political hostage, a dog of war' (Krog 1999, 265).

Mamasela became a well known figure especially when testifying for the TRC as a state witness. As a consequence of his confessions and the people he implicated many of them came forward. Yet people doubt whether Mamasela told the truth. It was suggested that he was not arrested for illegal political activities but for common crimes. Pauw (1997, 172) suggests that Mamasela in order to avoid a jail sentence for his common crimes, might have falsely told the police that he was an ANC member and offered his help. Although the systematic and exploitative use of askaris by the security police is undeniable, Mamasela's story of his extreme torture was never corroborated while other possible motives for his crimes like revenge, material gain (money) and the urge to outlive his sadism came up. Unlike many askaris who never returned to live an ordinary life as they were rejected by their communities (Pauw 1997: 69) Mamasela seemed at least until the end of the nineties to live a fairly good and wealthy life. One might wonder whether Mamasela indeed took advantage of the situation or whether we do not do him any justice by shedding doubt on his story because we feel a lack of sympathy for this man who became involved in so many murders. Mamasela was a perpetrator, there is no doubt about that, he was also a member of the targeted group and functioned in a known system of enforced compliance and cooperation. His story and the possible (unsympathetic) ulterior motives show how difficult it is to reconcile the fact that he still is besides a perpetrator also a victim.

### **5.3 CHILD SOLDIERS**

War used to be a battle fought between two professional national armies in a deserted area. Worldwide the nature of warfare has however changed. There are only a few international conflicts nowadays. Most wars are internal wars fought within populated areas in which not just soldiers but also many civilians are involved and targeted. The ranks of the fighting parties are no longer filled exclusively with grown males but many children are amongst the fighting parties sometimes joining the ranks of the adults, sometimes having their own units.



It is estimated that there are 300.000 child soldiers world wide (Machel 2001). The use of children has many advantages: they are cheap because they are unlike adults rarely paid and more easily conditioned into using violence (Singer 2006, 55 and Wessels 2006, 2 and 37). Children furthermore sometimes lack a sense of both fear and morality which makes them ideal soldiers. Singer (2006) and Wessels (2006) concluded that as many children around the world have to live in poor conditions it is not a surprise that ‘the overwhelming majority of child soldiers are drawn from the poorest, least educated, and most marginalized sections of society’ (Singer 2006, 44). A new type of weapons which are light and easy to use further contributed to the usefulness of child soldiers (Wessels 2006, 18). Most child soldiers are between 13 and 18 years old but some are as young as seven (Wessels 2006, 7 and x.). Teenagers are preferred over young children because they are stronger. They furthermore might want to show off their fearlessness and their manhood.

Some children join the armed forces voluntarily because they are ‘simply fascinated by the prestige and thrill of serving in a unit and having a gun’ (Singer 2006, 66 according to whom this is about 15%) or because they want to obtain power, wealth, education or a meaning in life (Wessels 2006, 45). Children ‘may see violence as an acceptable way to replace the existing social order with one offering social justice and positive economic and political opportunities’ (Wessels 2006, 3). Others are the only ones to have survived mass killings, are orphaned and out for revenge (Wessels 2006, 22). Yet others are forced by the circumstances: they conclude that they are better off in the armed forces or by joining the rebels than by not doing so (Wessels 2006, 22). They are alone and lost and join the armed forces in search for food and shelter. Others however join the forces because they are forced to. Singer (2006, 58) concludes that ‘the primary method of recruitment of children is through some form of abduction’ (Cf. Wessels 2006, 37). Once within the army or rebel forces children are often brutally trained and quickly initiated in the violence. In some cases they have to torture or kill their parents and other relatives which has a tremendous impact and makes it impossible for them to return home. Life within a military unit always includes resocialization (Cf. Wessels 2006, 57). Children are disciplined and have to subdue themselves to the hierarchy within the unit. By merely aiming to survive children will gradually start to adapt to the new social norms and values in which violence is considered normal and justified. The children are often given alcohol and drugs such as cocaine or heroine. Once within an armed force however recruits are not free to leave. Those who try to escape are usually recaptured and often killed in order to set an example for the others.

Child soldiers often become very efficient and fearless fighters. Children might be vulnerable but they are not passive automatons. Children usually also show a strong sense of adaptation, resilience and they actively take their future in their hands by taking up new identities. Wessels (2006, 28) remarks that it would be a mistake to ‘picture all children in war zones as emotionally crippled and traumatized or as helpless victims.’ It is important to take children’s resilience into account and to also see them as actors who make choices. Singer (2006, x.) concludes: ‘These new soldiers are not simply children; they can also be callous killers capable of the most terrible acts of cruelty and brutality’ (cf. Wessels 2006, 79). Child soldiers units are apparently particularly vicious. Singer (2006, 106) quotes a UNICEF worker who states: ‘Boys will do things that grown men can’t stomach. Kids make more brutal fighters because they haven’t developed a sense of judgment.’ Not all children are bloodthirsty though. Wessels (2006, 74) concluded that some children ‘fight reluctantly, kill only when necessary, and constantly look for escape opportunities, whereas others learn to enjoy combat and redefine their identities as soldiers.’ Sierra Leone is one of the countries in which the use of child soldiers was particularly widespread. The civil war lasted from 1991-2001 and apparently as many as 50%-80% of the soldiers in the Revolutionary United Front (RUF) were aged between seven and fourteen years old (Singer 2006, 15 quotes a report by Save the Children on the highest estimate and Wessels 2006, 13 talks about 50%). The so-called small boys units which consisted of boys less than 12 years of age were infamous for their ruthlessness and cruel behaviour (Cf. Wessels 2006, 7 and HRW 1998). Ishmael Beah was a child soldier in Sierra Leone.

When Ishmael Beah was 12 years old the war reached his part of the country. He was separated from his family and tried to flee from the violence with several of his friends. During their flight they were captured several times, once by the rebels who wanted to recruit them but they managed to escape. A few other times Ishmael and his friends were captured by ordinary civilians who thought they were child soldiers. ‘People were terrified of boys our age’ Ishmael states (Beah 2007, 37). At some point he gets lost and separated from his friends and lives alone in a forest for a while. He manages to survive and finds another group of boys who accompany him in his flight. During his flight he sees a lot of atrocities and is told that his parents and brothers have been killed. At some point the group is captured by soldiers from the regular army and taken to their base. Here they do ordinary jobs but at some point the war comes close and the commander asks all boys to help to defend the village. “This is

your time to revenge the deaths of your families and to make sure more children do not lose their families,” the commander said. The men and boys were left with the choice to either help defend the village or to disappear. The next morning however the bodies of a man and boy who had lived in the village were shown to the crowd. They were dead and soaked in blood allegedly killed by the rebels. The commander continued talking about the rebels: ‘They have lost everything that makes them human. They do not deserve to live. That is why we must kill every single one of them. Think of it as destroying a great evil. It is the highest service you can perform for your country’ (Beah 2007, 108). Ishmael just like the others has little choice. If he wanted to stay with the soldiers he had to join them in their fight, otherwise he had to flee again and would be in danger of being captured by the rebels who would have forced him to fight or who would have killed him. There were about thirty boys mainly between 13 and 16 years old who joined the forces and they were given clothes, shoes and guns and were taught how to handle their weapons and fight. During the training the commander kept on telling them: ‘Visualize the enemy, the rebels who killed your parents, your family, and those who are responsible for everything that has happened to you’ (Beah 2007, 112). Then they were given drugs.

Ishmael recounts that he had never been so afraid in his whole life as on that first day in which he had to fight. At first he is unable to shoot and feels like being in some sort of nightmare. People die around him, spattering blood in his face. Then he discovers that two of his friends have been killed in the fight:

*‘I turned toward the swamp, where there were gunmen running, trying to cross over. My face, my hands, my shirt and gun were covered with blood. I raised my gun and pulled the trigger, and I killed a man. Suddenly, as if someone was shooting them inside my brain, all the massacres I had seen since the day I was touched by war began flashing in my head. Every time I stopped shooting to change magazines and saw my two young lifeless friends, I angrily pointed my gun into the swamp and killed more people. I shot everything that moved, until we were ordered to retreat ...’ (Beah 2007, 119)*

During that first night he has nightmares and shoots his own gun in the middle of the night but he gets used to it and ultimately Ishmael just like many other child soldiers becomes a ruthless soldier. They use drugs, watch violent movies and just go out and kill. During this period he

commits many atrocities. They raid rebel camps, attack villages, capture new recruits or whatever else they can find. At some point killing contests are organized. The young soldiers had to slice the throats of captured prisoners and the person whose prisoner dies first would win the contest (Beah 2007, 124). Ishmael was one of the soldiers picked for the contest and remembers: 'I didn't feel a thing for him, didn't think that much about what I was doing. I just waited for the corporal's order. The prisoner was simply another rebel who was responsible for the death of my family, as I had come to truly believe' (Beah 2007, 124). Ishmael won the contest and was promoted to the rank of junior lieutenant and became the leader of a small unit which he celebrated with more drugs and more war movies. In his book Ishmael describes tremendous cruelties: they made a group of prisoners bury their own graves, they stabbed them in the legs with their bayonets and they buried them alive while they were making jokes. The child soldiers lived on cocaine and lived for revenge. At some point Ishmael got shot in his foot which put him in terrible pain. He took revenge by lining up a group of prisoners and shooting all of them in the foot. He explains:

*'I am not sure if one of the captives was the shooter, but any captive would do at that time. So they were all lined up, six of them, with their hands tied. I shot them on their feet and watched them suffer all day before finally shooting them in the head so that they would stop crying. Before I shot each man, I looked at him and saw how his eyes gave up hope and steadied before I pulled the trigger. I found their sombre eyes irritating' (Beah 2007, 159).*

Once in the army and often on drugs child soldiers can turn into vicious perpetrators who have no mercy. Especially when they are using a lot of drugs child soldiers can lose their sense of decency and just get out of control completely.

Together with a number of other child soldiers Ishmael is at some point taken over by UN soldiers and sent to a rehabilitation centre. In the beginning he has difficulty to adapt and his group gets into a fight with other former child soldiers who had fought for the rebels. 'I stabbed him in his foot. The bayonet stuck, so I pulled it out with force. He fell and I began kicking him in the face ... Alhaji had stabbed him in the back. He pulled the knife out, and we continued kicking the boy until he stopped moving. I wasn't sure whether he was unconscious or dead. I didn't care' (Beah 2007, 135). In this fight between two groups of former child soldiers at the UN rehabilitation centre six former child soldiers were killed. Ishmael

remembers that he was angry and missed his squad and the excitement of fighting. He has trouble sleeping and when he sleeps he has frequent nightmares. Ultimately Ishmael is rehabilitated and now he lives in the United States. He has devoted his life to make people aware that wars are not heroic and devastate the life of the victims and child soldiers in particular. In a television interview Beah states that he can never forget what he has seen and done but that he has learned to live with it.

#### **5.4 Parallels and differences**

The stories of Ans van Dijk, Joe Mamasela and Ishmael Beah have a few things in common. All three belonged to a vulnerable group, Ans van Dijk and Joe Mamasela belonged to the targeted group and Ishmael Beah was just a kid who lost his family and tried to escape the war. All three fell prey to a system of abuse: the use of *V-männer* by the Nazis, the use of askaris by the South African Security Branch and the (forced) recruitment of child soldiers in Sierra Leone. All three had a choice but the choice seemed to be between cooperating and saving ones life or almost certain death. All three chose to save their lives and complied. Ishmael Beah by joining the ranks of the military, Ans van Dijk by working with the oppressor and Joe Mamasela by joining a death squad. All three can be seen as victims but all three also committed crimes. Ishmael Beah committed war crimes, Joe Mamasela betrayed, tortured and killed people and Ans van Dijk betrayed fellow Jews who were as a consequence thereof sent to death camps in which many of them died. Joe Mamasela and Ans van Dijk were –also in comparison to others who found themselves in a similar position- so good at their “jobs” that one might wonder why. From research on perpetrators it is known that perpetrators slowly but gradually adapt to their role: they get brutalized, violence normalized and perpetrators soothe their conscience by rationalizing and justifying their actions (See for the complete transformation process Smeulers 2004). It is likely that the same happens to victims who get involved in the discrimination or extermination of their own group. They adapt to the situations and take up new roles which for whatever reason suits them. Yet it is also true that ulterior motives might have played a role. Both Ishmael Beah and Joe Mamasela were at least partially driven by revenge. Mamasela and Van Dijk both materially profited from their work and lastly Mamasela was described by his colleagues as bloodthirsty and a born killer which might indicate that he had a violent nature or sadistic impulses. Although some doubt was shed on whether or not Mamasela was indeed severely tortured it is equally true that all three fell prey to a system in which the perpetrators deliberately abused the

vulnerability of certain groups and deliberately forced them to cooperate. More than anything else these three case studies however show that victims and perpetrators are not always two distinguishable groups and mutually exclusive categories.

This finding raises intriguing questions, namely as how to deal with victims who become perpetrators. In the following paragraph we will compare what happened to Ans van Dijk, Joe Mamasela and Ishmael Beah and will see to what extent current international criminal law has found an adequate means to deal with this type of perpetrator.

## **6. The aftermath**

After the war Ans van Dijk was arrested, prosecuted and executed. Ten people within the Netherlands were executed because of their role in the betrayal. Amongst them –next to Ans van Dijk- only one German oppressor, namely Rauter, three members of the Colonne Henneicke, which was a group of traitors (cf. Van Liempt 2002) and five of the Dutch police amongst whom Kaper and Schaap. Historians have calculated that 9000 Jews who had been in hiding were traced and deported. 3500 were betrayed by the infamous Colonne Henneicke and 3500 by the department of Jewish affairs of the SD in Amsterdam. Ans van Dijk was the only Jew and the only woman who was executed. The fact that she was Jewish was considered an aggravating rather than a mitigating circumstance. While Ans van Dijk was executed, the two leading Nazis, Aus der Fünten and Lages were spared. They were both given the death penalty but their penalty was reprieved and reversed into a life sentence. Lages was released from prison in 1966 because of poor health and died in 1971. Aus der Fünten was released from prison in 1990 and died one year later.

Joe Mamasela was never punished for his crimes. He testified before the truth and reconciliation commission in South Africa but merely as a witness not in order to ask amnesty. He simply said that he too had been a victim and despite the fact that his story was never corroborated he was not called to justice. The TRC had trouble dealing with the askaris and concluded that it is a ‘thorny question of whether perpetrators may also be viewed as victims.’<sup>12</sup> The TRC finally concluded that: ‘To understand these potential grey areas involve

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<sup>12</sup> TRC report, vol. 5, chapter 7, p. 274.

being drawn into a position of some sympathy with the perpetrator. The dangers of this are twofold: first to forget and ignore the suffering of victims of abuse, and second, to exonerate the doer of violent deeds. From the third perspective of the Commission, difficulties are once again manifest. Two statements may be fruitful. First, it is important to recognize that perpetrators may in part be victims. Second, recognition of the grey areas should not be regarded as absolving perpetrators of responsibility for their deeds.<sup>13</sup>

Ishmael Beah like many other child soldiers was never held accountable for the crimes he committed. Although the Special Court for Sierra Leone had jurisdiction over child soldiers as of the age of 15 it became a widespread and general policy not to prosecute child soldiers. Art. 49 (c) SCSL however lists ‘conscripting or enlisting children under the age of 15 into armed forces or groups or using them to participate actively in hostilities’ as a crime and there have been four cases before SCSL in which charges related to the recruitment of child soldiers played a role. In the so-called AFRC-case the Trial Chamber stated that enlistment of child soldiers is a crime even if the child consents.<sup>14</sup> The SCSL thus prosecuted those who abused the vulnerability of others rather than those whose vulnerability was abused. The ICC seems to follow this line. According to article 26 ICCSt it has no jurisdiction over any person under the age of 18, while according to art. 8(2)(b) (xxvi) and art. 8(2)(e)(vii) ICCSt. conscription or enlistment of children under the age of 15 is a war crime in national or international armed conflicts. More importantly the first case to be tried at the ICC is the case of Lubanga in which recruitment of child soldiers prominently features as the main charge.<sup>15</sup>

While the TRC clearly struggled with how to deal with the dilemma of perpetrators being victims at the same time, the Dutch court did not take this mitigating circumstance into account while the SCSL and the ICC seem to completely absolve child soldiers of any blame and responsibility for their actions. This should not surprise us when taking the very young child soldiers (under the age of 12) into account as many national legal systems absolve children of this age of criminal responsibility. There is however a difference between a 7 year old – a 12 year old and a 17 year old. International criminal law thus seems to qualify all people under the age of 18 as innocent by definition. In other words while Ans van Dijk is considered a perpetrator, Ishmael Beah is considered a victim. Neither of the two legal

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<sup>13</sup> TRC report, vol. 7 chapter 5, p. 274.

<sup>14</sup> Prosecutor v. Brima, Kamara, and Kanu, Case No. SCSL-04-16-T (Spec. Ct. Sierra Leone Trial Chamber, June 20, 2007) par. 735

<sup>15</sup> See also some of the other charges against Katanga and Chi, Ntaganda and Kony.

institutions was able to grasp that suspects can be victims and perpetrators at the same time and can be criticised for this. With Drumbl (2010) I agree that it is not a good development to completely exonerate children of any criminal responsibility. Drumbl argues that children are not hapless individuals who lack agency and free will and that the discourse which depicts them as innocent is too absolute. They are victims but can commit gruesome acts and international criminal law needs to take that into account. And age should be taken into account. On the other hand international criminal law should also take into account that not all perpetrators are evil. The three case studies show that victims can fall prey to far-reaching systems of enforced compliance and cooperation and that many perpetrators have successfully forced victims to take part in the destruction of their own people. Ans van Dijk did not receive any sympathy. Nowadays however suspects who have to stand trial for an international criminal tribunal or the International Criminal Court can rely on the defence of duress. While duress cannot be a complete defence in relation to international crimes it can and should be taken into account as a mitigating factor. It will thus never completely dissolve the perpetrator of his blame but these factors will be taken into account in the sentencing phase.

## **7. CONCLUSION**

The aim of this chapter was to erode the myth of pure evil which depicts the world in two absolutes in which evil perpetrators attack good and innocent victims. Although it would be appealing to do so victims and perpetrators are not always two mutually exclusive groups. Many perpetrators are motivated by past victimhood, whether real or alleged does not really make a difference to the perpetrator. This unfortunately leads to many crimes which are committed in order to avenge crimes which were never committed. Perpetrators often furthermore legitimize their crimes as being a defence against a real or alleged threat. Radovan Karadzic who is currently in the dock of the ICTY charged with genocide is a good example thereof. He has built his whole defence on his suggestion that he was merely defending his people rather than attacking others. We have also seen that victims in their legitimate struggle against an oppressor can also come to commit crimes. Most attention in this chapter was however given to three case studies in which victims became perpetrators due to an efficient system of enforced cooperation and compliance by the oppressor. Three victims who ultimately committed crimes themselves and who very clearly show that people can be victims and perpetrators at the same time. These case studies show that we sometimes



have to take a more nuanced view towards perpetrators and victims alike both when studying international crimes and the perpetrators thereof as well as when dealing with them in the aftermath.

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