

Introduction

In January 2005, the International Commission of Inquiry on Darfur issued a report to the United Nations detailing crimes committed by Sudanese government forces during the ongoing conflict in Darfur. The Commission found that “government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur.”¹ Sudanese government officials interviewed for the report claimed that their actions in Darfur were “conducted on the basis of military imperatives”; the Commission, however, disputed this contention, stating that “most attacks were deliberately and indiscriminately directed against civilians.”²

Referring specifically to evidence from the Commission’s report, the UN Security Council in March 2005 referred the situation in Darfur to the International Criminal Court (ICC). After several years of investigation, on March 4, 2009, the ICC issued an arrest warrant for Sudan’s president, Omar al-Bashir, charging him with war crimes and crimes against humanity committed during the conflict in Darfur. According to the arrest warrant, “a core component” of the Sudanese government’s counterinsurgency campaign involved attacks on civilians from the Fur, Masalit, and Zaghawa ethnic groups believed to be supporting the insurgency.³ These attacks, including murder, extermination, forcible transfer, pillage, rape, and torture, were widespread and systematic, affecting “hundreds of thousands of individuals . . . across large swathes of the territory of the Darfur region.”⁴ In July 2010, the ICC issued a second arrest warrant for Bashir, adding genocide to the list of his alleged crimes in Darfur and accusing Sudanese government forces of deliberately targeting Fur, Masalit, and

¹ United Nations 2005, 3.

² Ibid.

³ International Criminal Court 2009, 4.

⁴ Ibid., 5.

Zaghawa individuals on the basis of their ethnicity.⁵ In addition to Bashir, the ICC also accused two other high-level officials of war crimes and crimes against humanity, issuing arrest warrants for Ahmad Harun, the former Minister of State for the Interior of the Government of Sudan, and Ali Kushayb, a leader of the Janjaweed – a pro-government militia that collaborated closely with regular Sudanese government forces in carrying out attacks against civilians.⁶

At the same time that the Commission of Inquiry was warning of escalating government atrocities in Darfur, another long-running civil war was coming to a conclusion. At the end of January 2005, Indonesian government representatives met in Helsinki with members of the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) for renewed peace negotiations to end the conflict in Indonesia's northernmost province of Aceh. When the Acehnese rebellion began in 1989, the Indonesian government under General Suharto responded by launching a campaign that has been described as the "institutionalization of terror."⁷ Indonesian government forces regularly killed Acehnese civilians – shooting them at close range in face-to-face encounters and deliberately leaving their dead bodies in public places as a warning to others sympathetic to the GAM rebellion. This counterinsurgency strategy, however, changed dramatically with Indonesia's transition to democracy following the fall of Suharto's military dictatorship in 1998. Indonesia's new civilian leadership sought to rein in military operations in Aceh, reduce human rights abuses, and pursue a negotiated resolution to the conflict.

During this same period of time, in the 1990s, the Kurdistan Workers' Party (Partiya Karkerên Kurdistanê, PKK) was fighting to gain autonomy for Turkey's Kurdish minority. The Turkish government's counterinsurgency strategy differed significantly from the Sudanese and Indonesian strategies. Although the Turkish government attempted to undermine civilian support for the insurgency, the government endeavored to limit civilian casualties. A central component of the government's strategy, for example, involved the destruction of Kurdish villages believed to be aiding the insurgency. Before destroying villages, however, security forces evacuated civilians.⁸ Torture and other forms of mistreatment were common during evacuations, but civilian casualties remained low.

Rebel groups in these three conflicts also differed in their behavior toward civilians. In its Darfur investigation, the International Commission of Inquiry found no evidence that either of the two main rebel groups, the Sudan Liberation Army (SLA) or the Justice and Equality Movement (JEM), had carried out "a 'systematic' or 'widespread' attack against the civilian population."⁹ While noting several incidents involving the killing of civilians by rebel forces, the Commission observed: "the incidents and number of deaths

⁵ International Criminal Court 2010.

⁶ International Criminal Court 2007a; International Criminal Court 2007b.

⁷ Robinson 1998, 140. ⁸ Amnesty International 1993b.

⁹ United Nations 2005, 80. See also Jumbert and Lanz 2013.

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have been few”; rebel group attacks were “in most cases against military targets, police or security forces.”¹⁰

Likewise, GAM did not use large-scale violence against civilians in Aceh. The group did punish suspected government informants – for example, arresting and detaining a Bireuen man they believed to be aiding the Indonesian military before releasing him with a warning. When GAM members discovered that he was still collaborating with the government, they burned down his house.¹¹ GAM also maintained a court system to prosecute individuals suspected of aiding the government; although it was not uncommon for GAM to punish collaborators with death, GAM targeted individuals for punishment, rather than whole families or villages.

The PKK in Turkey, however, explicitly targeted civilians for attack, a strategy it brazenly announced at a press conference on June 8, 1993. PKK leader Abdullah Öcalan warned, “We are going to wage an all-out war against [the Turkish state] until it agrees to negotiate. The Turkish state must understand once and for all it cannot annihilate us and that the only solution is to negotiate. Turkey will have a bloody summer if the army continues its campaign against us. We will hit economic and tourist interests throughout Turkey.”¹² The PKK subsequently launched a series of attacks on public places in major cities across Turkey. The first of these attacks came just weeks after the press conference, on Sunday, June 27, when a bomb exploded in the garden of a hotel in Antalya, a popular tourist destination along Turkey’s Mediterranean coast. That same night, not far from the first hotel, a second bomb went off in front of the Sheraton hotel, and a third exploded in a shopping area nearby.¹³ The bombings wounded 26 civilians, 12 of whom were foreign tourists.¹⁴ Over the next several years, the PKK continued bombing public civilian targets – shopping areas, bus stations, restaurants, and tourist attractions in a number of different coastal cities as well as in Istanbul. Bombing public places was not the only form of violence that the PKK directed against civilians; the PKK also killed individual civilians it suspected of collaborating with the Turkish government and destroyed homes in villages believed to be supporting the government.

The armed conflicts in Sudan, Indonesia, and Turkey are civil wars. All three cases involve a government confronting organized, armed opposition originating within the country’s borders, with significant military confrontations between government and rebel group forces. As these three cases illustrate, however, civil wars vary in the extent to which governments and rebel groups direct violence against civilians. But how much does wartime violence against civilians vary across cases of civil war?

¹⁰ United Nations 2005, 77, 69. ¹¹ Human Rights Watch 2001.

¹² “Turkish Separatists End Ceasefire, Threaten All-Out War, Tourism,” *Agence France-Presse*, 8 June 1993.

¹³ “26 Injured in Bomb Blast at Turkish Resort,” *Reuters News*, 28 June 1993. ¹⁴ *Ibid.*

Media coverage of civil wars tends to focus on the most gruesome atrocities and the most extreme conflicts – genocide in Rwanda or ethnic cleansing in Bosnia. One might think, therefore, that most civil wars involve massive violence against civilians. In this view, most governments and rebel groups deliberately attack the opponent's civilian supporters, as the Bashir regime did in Darfur and the PKK did in Turkey. Is this true? Do most governments and rebel groups engaged in civil war commit heinous atrocities against civilians?

No study has looked systematically across cases of civil war at *forms* of government and rebel group violence against civilians. Although certain types of violence, such as ethnic cleansing and genocide, have been the subject of extensive research, these studies focus on one particular type of violence and, as such, do not address the full variation in scale and forms of violence against civilians during civil war.¹⁵ Similarly, studies of variation in violence against civilians across conflicts that measure violence by estimating the number of civilians killed by each side in the conflict ignore violence against civilians that inflicts severe suffering without killing large numbers of civilians.¹⁶ Even when civilians are killed, lethal violence can take many forms, as the Sudanese, Indonesian, and Turkish conflicts demonstrate.

The first aim of this book is to fill these gaps in our understanding of civil war violence. Using original data on government and rebel group violence against civilians in all civil wars from 1989 to 2010, this book provides a comprehensive study of violence against civilians. The focus is on four of the most severe forms of violence directed against civilians: massacres – the killing of a group of civilians during a single face-to-face encounter; scorched earth policies – the destruction or burning of civilian homes or crops; deliberate bombing or shelling of civilian targets; and forced expulsion – the permanent removal of civilians from a territory under threat or use of force. All of these forms of violence are violations of international humanitarian law, which is the body of law governing belligerent behavior during wartime. Under international humanitarian law, all belligerents – governments as well as rebel groups – are prohibited from attacking civilians and civilian targets.¹⁷

These data show that among 103 rebel groups fighting in civil wars between 1989 and 2010, 30.1 percent massacred civilians, 27.2 percent burned civilian homes and crops, 29.1 percent exploded bombs in populated public places (e.g., bus stations, hotels, shopping centers), and 10.8 percent forcibly expelled civilians from territory. However, 41.8 percent of rebel groups did not engage in *any* of these forms of violence, largely abiding by the principles of civilian immunity laid out in international humanitarian law.

¹⁵ See, for example, Valentino 2000; Harff 2003; Valentino 2004; Straus 2006.

¹⁶ Valentino, Huth, and Balch-Lindsay 2004; Eck and Hultman 2007; Hultman 2007; Weinstein 2007; Wood 2010; Hultman 2012; Wood, Kathman, and Gent 2012; Salehyan, Siroky, and Wood 2014; Wood 2014b.

¹⁷ Best 1994.

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Among governments involved in civil wars from 1989 to 2010, the patterns of violence are similar: 24.5 percent of governments massacred civilians, 47.1 percent burned civilian homes and crops, 21.6 percent deliberately bombed or shelled civilian targets, and 13.7 percent forcibly expelled civilians from territory. Yet, forty-nine percent of governments refrained from using *any* of these four forms of violence.

This overview of the data indicates that while violence against civilians is common in civil war, it is not universal. More than 40 percent of all governments and rebel groups fighting in civil wars from 1989 to 2010 did not engage in any of the most severe forms of violence against civilians. This does not mean that these governments and rebel groups never attacked a single civilian during the course of their fighting; some degree of violence against civilians is present in all civil wars. What the data show is that it is possible to distinguish a spectrum of civil war violence: some governments and rebel groups engage in extreme atrocities, such as massacres and deliberate bombing of civilian areas; other governments and rebel groups employ forms of violence that inflict significant suffering on civilians, but fewer casualties; and still other governments and rebel groups rarely use violence against civilians.

Throughout this book, I refer to intentional efforts to avoid violence against civilians as efforts at restraint. Governments and rebel groups engaged in civil war often face strong incentives to target civilians; limiting violence against civilians thus requires significant effort by the parties – planning military operations that minimize harm to civilians, training soldiers to differentiate between military and civilian targets, and disciplining soldiers who abuse civilians. Restraint is a deliberate choice in civil war. Surprisingly, this phenomenon of restraint has received little attention in research on civil war.

The second aim of this book, therefore, is to explain this wide variation in civil war violence. Why do some governments and rebel groups deliberately attack civilians, while others refrain from targeting civilians, largely complying with the norms of civilian immunity codified in international humanitarian law? Why did the SLA and JEM in Darfur and GAM in Aceh exercise restraint in their dealings with civilians, while the PKK carried out deliberate bombings of civilian targets throughout Turkey? Why did the Sudanese government use extreme violence against civilians in Darfur, while the Turkish government sought to limit civilian casualties during its counterinsurgency operations? And what can explain the change over time in the Indonesian government's response to insurgency in Aceh?

In addition to explaining why some belligerents use high levels of violence against civilians and others choose not to use *any* form of violence against civilians, this book examines cases in the middle of this spectrum of violence, where the parties deliberately attack civilians and impose significant damage and suffering, but inflict fewer civilian casualties. In examining the full spectrum of violence in civil war, this book also seeks to understand why governments and rebel groups chose the particular forms of violence they did – why

the Sudanese government massacred civilians believed to support the insurgency and used aerial bombardment to destroy civilian homes and crops, while the Turkish government destroyed villages suspected of sympathizing with the insurgency without inflicting high civilian casualties. Why did GAM use targeted arrests and killings to eliminate suspected government collaborators while the PKK exploded bombs in public places?

Answering both questions – the question about violence versus restraint and the question about forms of violence – is essential to understanding patterns of violence against civilians during civil war. Looking only at the dichotomy between violence and restraint would ignore much of the variation in government and rebel group violence against civilians. And examining only the variation in forms of violence would miss the fact that governments and rebel groups do not simply choose between different types of violence against civilians; they often choose not to use *any* of the most severe forms of violence against civilians. The choice to avoid violence against civilians is surprising in light of the common wisdom, which tends to view all civil wars as involving significant atrocities against civilians. Explaining restraint is thus crucial both for scholars interested in gaining a complete understanding of belligerent behavior during civil war, and for policymakers interested in minimizing the impact that civil war has on civilians, strengthening norms against civilian targeting, and increasing compliance with international humanitarian law.

STRATEGIES OF VIOLENCE AND RESTRAINT TOWARD CIVILIANS

It is not surprising that some governments and rebel groups deliberately attack civilians during civil war. Civilians are often intimately involved in civil war: they provide supplies, shelter, and financing. They are also sources of intelligence, offering information about local conditions and geography, about the movement of opposing troops, and about the individuals or villages collaborating with the opponent. Perhaps most importantly, they are political constituents, on whose behalf the belligerents fight. Undermining the opposition's base of civilian support can be a fatal blow.

Government and rebel group decisions about whether to target civilians, while based on strategic calculations about the extent to which civilian targeting will help to accomplish their political goals, take place in the shadow of international law. The earliest attempt to use international law to regulate warfare – the 1864 Geneva Convention – established protections for individuals wounded in combat and envisioned wars as international or interstate wars (wars between two or more states). As international humanitarian law evolved, however, it expanded to include protections for a wider set of noncombatants – not only wounded soldiers, but also civilians – and to apply to a wider set of armed conflicts – not only interstate wars, but also non-international or civil wars (wars

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occurring within a state).¹⁸ The atrocities committed against civilians during World War II urged states to further elaborate this body of international humanitarian law with the signing of the 1949 Geneva Conventions and, later, the 1977 First and Second Additional Protocols to the Geneva Conventions. The main objective of these agreements is to prohibit deliberate attacks against noncombatants, including civilians. Following World War II, states also negotiated a series of international human rights agreements, protecting individuals from mistreatment during peacetime as well as during wartime.

With the shift away from a bipolar distribution of power at the end of the Cold War came a growth in international humanitarian and human rights norms as well as a more prominent role for international institutions in enforcing these norms.¹⁹ The United Nations initiated sanctions against abusive governments, such as Milosevic's government in Yugoslavia; established international or hybrid tribunals to punish individuals responsible for committing war crimes during civil wars in the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia; and contributed to the establishment of the ICC.²⁰ Certain protections for civilians during interstate and civil wars are now considered part of customary international law, meaning that all actors engaged in a conflict – both governments and rebel groups – are bound by these rules, regardless of whether they have ratified the relevant treaties. The enforcement of international humanitarian law remains inconsistent; international actors respond more forcefully to some cases of civilian abuse than others. But the prevalence of humanitarian norms has grown to the point that belligerents who target civilians will almost certainly draw domestic and international criticism. Violation is not without cost.

Within this international context, restraint is often a deliberate strategic choice by governments and rebel groups, who avoid direct attacks on civilian populations and abide by international legal standards of behavior in an effort to win support from domestic and international audiences.²¹ During the Cold War, governments and rebel groups vied for support from the superpowers by articulating a communist or anticommunist political agenda. Now, belligerents often seek assistance from Western governments and Western-led intergovernmental organizations, such as the North Atlantic Treaty Organization (NATO) and the United Nations, by demonstrating a commitment to democracy and human rights. Foreign governments may lobby for terms of settlement

¹⁸ Ibid.; Robertson 1999.

¹⁹ Hafner-Burton and Tsutsui 2005; Hafner-Burton and Tsutsui 2007; Sikkink 2011; Teitel 2011.

²⁰ On the history and politics of international efforts to hold states and individuals accountable for crimes committed during wartime, see, for example, Bass 2000; Teitel 2011.

²¹ Jo and Thomson 2014 similarly argue that rebel groups comply with international norms regarding access to detainees out of a desire for greater legitimacy; Jo 2015 argues that a desire for legitimacy drives rebel group compliance with other aspects of international law as well, including international humanitarian law prohibiting attacks on civilians.

favorable to their preferred side, mobilize international public opinion against the opposing side, and even mediate a resolution to the conflict. Support from foreign governments can be a powerful advantage during civil war and a good reason to exercise restraint.

Although it may seem as if all belligerents fighting in civil wars would benefit from increased domestic and international support, in fact, the need for domestic and international support varies depending on the nature of the belligerent's political constituency. Some governments and rebel groups need support from broad domestic and international constituencies; these governments and rebel groups are likely to exercise restraint rather than risk domestic and international backlash by engaging in brutal violence against civilians. The domestic and international costs of violence are high for these belligerents. Governments and rebel groups with *narrower* domestic and international constituencies are *less* likely to exercise restraint; these governments and rebel groups have fewer constraints on their behavior, and the costs of engaging in violence are lower.

Variation in the Domestic and International Costs of Violence

The need for support from domestic audiences – and thus the *domestic* costs of violence – depends on the government or rebel group's relationship with its *domestic* constituents. Three key factors shape this relationship: (1) the degree to which institutions compel leaders to be responsive to their constituents, (2) the inclusiveness of the political system, and (3) the consolidation of political power.

First, domestic political institutions can constrain leaders – for example, through the holding of regular elections and the establishment of checks on the power of the executive – forcing leaders to behave in ways consistent with public demands. When these political constraints are robust, as in democratic regimes, leaders are likely to be more sensitive to widespread public criticism and, therefore, less willing to engage in violence against civilians. When constraints on leaders are weak, as in autocratic regimes, the domestic costs to engaging in violence are lower. Similarly, the more developed a rebel group's political institutional structure – for example, the more complex the rebel group's local governance institutions in territories under its control – the greater the incentives for rebel group leaders to respond to the demands of their civilian constituents and the greater the likelihood of restraint.

Second, the inclusiveness of the political system shapes the composition of the belligerent's domestic constituency: the broader the domestic audience to whom a government or rebel group must appeal, the higher the domestic costs of violence and the greater the likelihood of restraint. The domestic costs of violence thus not only depend on *whether* a government or rebel group has institutional incentives to be responsive to its domestic constituents, but also depend on *who* the belligerent's constituents are. Governments and rebel groups with exclusionary political systems seek to exclude certain groups from

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access to political power; these governments and rebel groups have narrow civilian constituencies, drawing support from a particular ethnic or religious group or a particular region of the country. Belligerents with more inclusive political systems seek a broader base of domestic support, and are more likely to exercise restraint.

Third, the degree to which a government or rebel group's political power is consolidated influences the urgency of the need to build support from domestic constituents. By definition, all rebel groups engaged in civil war lack consolidated political power and thus face some domestic costs to the use of violence against civilians. While all governments facing internal rebellions in some sense lack consolidated political power as well, governments vary more widely in the stability of their regimes. Leaders of unstable regimes – regimes recently established through a process of political transition or the creation of a new state – have a more urgent need to build support from domestic constituents and, therefore, face higher domestic costs to violence.

Similarly, governments and rebel groups weigh the *international* costs of violence by evaluating their need for support from *international* constituencies. Governments and rebel groups that believe they will have difficulty achieving their political objectives without international support perceive high costs to targeting civilians. Governments with unstable regimes have an acute need for international support: a loss of international support may be devastating, undermining already weak political institutions and prompting domestic actors to question the government's viability. In stable regimes, leaders can better endure criticism from international actors. The international costs of engaging in violence, therefore, are higher for governments with unstable regimes, increasing the likelihood that such governments will use restraint as a means of appealing to international actors for support.

The domestic political setting also influences the extent to which rebel groups need to build support from international constituencies; rebel groups fighting autocratic opponents have a particularly pressing need for international support, turning to international actors in the hopes that increased international pressure will urge the government to negotiate. Most rebel groups achieve their political objectives by coercing the government into making concessions, and the opportunities a rebel group has for pressuring the government into making concessions depend on the nature of the government's political institutions. Even if rebel group violence generates public demands for an end to the conflict, the political institutions in autocracies insulate the government from public pressure and the need to be responsive to these demands. Unable to use violence to generate domestic pressure for government concessions, rebel groups facing autocratic opponents exercise restraint to appeal to international actors for support.

Ultimately, these arguments about restraint during civil war are arguments about how belligerents garner support from domestic and international constituencies. Governments and rebel groups that seek to build and maintain

broad domestic and international constituencies face high costs to using violence against civilians. In deciding whether to use violence or to exercise restraint toward civilians, governments and rebel groups consider how their constituents will respond. When governments and rebel groups anticipate that violence will bring condemnation and a loss of support from domestic and international constituents, they are likely to seek to limit violence against civilians. Governments and rebel groups with narrow domestic and international constituencies tend to be more isolated from domestic and international criticism, thus reducing the costs of violence and the incentives for restraint.

Variation in the Incentives for Violence

This is not only a book about the conditions under which restraint is most likely. Violence against civilians is not identical across all conflicts; it varies both in scale and in form. This is therefore also a book about *variation* in violence. What can explain the character of violence against civilians in civil wars? Why do belligerents choose particular strategies of violence over other available alternatives?

In the second part of this book, I explore variation in civil war violence, focusing on three different strategies of violence: control, cleansing, and terrorism. Governments and rebel groups may use violence (1) to control civilians and thereby control territory; (2) to cleanse territory of a particular religious or ethnic group; or (3) to terrorize the opponent's civilian constituents, in an effort to coerce the opponent into making concessions. Within each of these three strategies, violence ranges from low- to high-casualty variants of control, cleansing, and terrorism.

A belligerent's choice among these strategies of violence depends on how the belligerent weighs the benefits of violence. While belligerents weigh the *costs* of violence considering their relationship with *their own* domestic and international constituents, belligerents evaluate the *benefits* of violence based on an assessment of *their opponent's* relationship to its constituents. The greater the civilian support for the opponent (and the lower the civilian support for the belligerent) in the disputed territory, the greater the threat these civilians pose, and the greater the benefit a belligerent is likely to obtain by using violence to control or eliminate these individuals. Whether a government or rebel group adopts a strategy of control or cleansing depends on the size and geographic concentration of the opponent's civilian constituency. The smaller and more geographically concentrated the opponent's civilian constituency, the more feasible it is to employ a strategy of cleansing to eliminate this constituency entirely. Governments and rebel groups also consider the extent to which the opponent's political institutions compel leaders to be responsive to the demands of their domestic civilian constituents, including constituent demands to make concessions to alleviate violence against civilians. Thus, a strategy of terrorism will be more appealing to a belligerent the greater its opponent's sensitivity to losses among its civilian constituents.