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The Role of Government Structure in the Emergence of Crimes Against Humanity

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ABSTRACT

Crimes against humanity are regarded as among the most significant international crimes, the commission of which generally occurs within the context of specific political and governmental structures. The present study aims to examine the role of government structure in the emergence and expansion of crimes against humanity through a criminological and international criminal law approach. This research was conducted using a descriptive-analytical method based on library resources and international legal documents. The findings indicate that certain structural characteristics of governments, including the concentration of power in authoritarian systems, the dominance of discriminatory ideologies, the emergence of crises of political legitimacy, and the adoption of discriminatory economic policies, constitute some of the most influential factors in the formation of crimes against humanity. These factors, through weakening supervisory mechanisms, legitimizing violence, suppressing opposition groups, and generating structural violence against social groups, create the conditions for widespread or systematic attacks against civilian populations. The results of the study demonstrate that any analysis of crimes against humanity without considering the political and institutional structures of governments would remain incomplete. Therefore, the effective prevention of such crimes requires strengthening the rule of law, ensuring the independence of judicial institutions, expanding democratic oversight over political power, and promoting human rights values within systems of governance.

Keywords: Government, crimes against humanity, state crime criminology, power structure, international responsibility of states.

Introduction

Crimes against humanity are among the most important and complex international crimes, which, due to the scope of their effects and their profound human, social, and political consequences, have attracted special attention in international criminal law and criminology. These crimes are generally committed in the form of a widespread or systematic attack against a civilian population, with the perpetrators' knowledge of such an attack, and include acts such as murder, forced deportation, torture, enforced disappearance, enslavement, persecution, and other inhumane acts (1). In the criminological analysis of this phenomenon, attention to the individual characteristics of perpetrators alone is not sufficient; rather, political, institutional, and governance structures play a decisive role in creating the context for the commission of such crimes. In other words, crimes against humanity are often not merely



the result of individual decisions, but in many cases are the product of governmental structures, state policies, and specific patterns of governance. Government structure can create the grounds for organized violence against civilian populations through the concentration of power, official ideology, weak political legitimacy, or specific economic policies (2). Indeed, when the structure of government lacks effective mechanisms of control and accountability and political power is concentrated in the hands of a limited group, the likelihood that instruments of governance will be transformed into instruments of repression increases. Under such conditions, executive institutions of government, such as military, security, judicial, and administrative bodies, may be organized to implement repressive policies, and violence against specific groups in society may be exercised systematically (3). From the perspective of political criminology, the relationship between government structure and crimes against humanity can be analyzed within the framework of “state crime” or “governmental crime.” This concept refers to acts committed by the state or with its support that result in widespread violations of fundamental human rights. Such crimes usually emerge in specific political systems in which public oversight and political accountability are weak and the rule of law is not fully implemented (2). In view of these considerations, examining the role of government structure in the emergence of crimes against humanity has particular theoretical and practical significance. On the one hand, such an examination can contribute to a better understanding of the structural factors affecting the commission of these crimes; on the other hand, it can provide the basis for preventive measures at the domestic and international policy-making levels. This article seeks to examine, through a criminological and legal approach, the most important dimensions of governmental structure that may contribute to the formation and expansion of crimes against humanity. To this end, four main components are analyzed: authoritarianism and concentration of power, ruling ideology, crisis of governmental legitimacy, and state economic policies.

The Role of the Nature of Government in the Emergence of Crimes Against Humanity

Authoritarianism, Concentration of Power, and the Creation of Conditions for Systematic Violence

In the literature of state crime criminology, authoritarian systems are recognized as institutional environments with a high risk of committing crimes against humanity, because the concentration of power, the elimination of democratic oversight, the reduction of the rule of law to an instrument serving power, and the erosion of civil society are all links in a causal chain that ultimately leads to organized violence against target groups. In such regimes, absolute control over security institutions is the main obstacle to accountability, because security institutions do not function as arms for protecting citizens’ security, but rather as instruments for ensuring the continuity of political power. This transformation of the security role is accompanied by the systematic restriction of the media and the elimination of political and social opponents, giving identity to a “security-oriented view of citizens” in which the critical citizen is regarded as a potential “threat.” The denial of fundamental human rights also occurs within this context: freedom of expression, freedom of assembly and association, the right to a fair trial, and freedom from discrimination are gradually or explicitly restricted, and the possibility of legal redress for state violence is reduced (2).

In criminological analysis, two characteristics are more important than others in the mechanism of authoritarianism: first, “centralization of decision-making,” through which violence-producing decisions are made without passing through supervisory filters such as an effective parliament, free media, and an independent judiciary; and second, the “normalization of violence” through official propaganda and the continuous production of

security-oriented and patriotic narratives that place every form of protest or identity difference on the threshold of a threat to “order” and “national unity.” These two characteristics, together with the practical impunity of state agents and managers, lead to the realization of the elements of “widespread” and “systematic” conduct in crimes against humanity. When the chain of military and security command is accompanied by coordinated bureaucratic mechanisms and propagandistic support, a kind of “machine of violence” is formed in which individuals appear as “cogs” in an alienated whole and justify their individual responsibility within the framework of “following orders” (4).

Empirical examples show that authoritarian regimes are particularly vulnerable to the phenomenon of ethnic cleansing and xenophobia. The case study of Myanmar in the recent decade is one of the most important examples: ethnic cleansing against Rohingya Muslims occurred within the context of a closed military-administrative structure based on the army’s absolute control over politics and security. According to Rostaei and Arashpour, not only were military and paramilitary forces involved in the widespread exercise of direct violence, but the administrative apparatus also played a key role through restricting citizenship rights, preventing movement, imposing economic deprivation, and providing logistical support for operations (5). Meanwhile, official media, by reproducing the “threat narrative” and constructing the Rohingya as identity-based outsiders, portrayed violence as necessary and self-evident. This pattern is consistent with the theoretical literature on state violence: denial of fundamental rights and the production of a threatening Other are two complementary mechanisms for facilitating the delegitimization of victims.

From the perspective of international criminal law, the feature of authoritarianism that comes closest to the threshold of crimes against humanity is “explicit or implicit policymaking” for a widespread or systematic attack against a civilian population. The criterion of a “state or organizational policy” in the Rome Statute of the International Criminal Court is easier to establish in authoritarian regimes, because strategic decisions are usually made within limited circles of power and the pattern of repetition and expansion of violence is rapidly consolidated due to the absence of oversight and accountability. Moreover, media concentration and control over the information system create “reverse clarification”: unpleasant truths are concealed, and domestic public opinion is guided through coordinated narratives. This condition is completed by the phenomenon of “practical impunity,” meaning that even if domestic criminal laws recognize violent acts as crimes, in practice they face institutional and political barriers that prevent effective prosecution (6).

At the preventive level, three levels of structural reform can be proposed to reduce the risk of crimes against humanity in authoritarian regimes or regimes at risk of authoritarianism: first, “rebalancing power” by strengthening parliament, local councils, and independent supervisory institutions; second, “judicial independence and the guarantee of fair trial,” which make it possible to address governmental abuses and consolidate the norm of accountability; and third, “opening the media sphere and guaranteeing freedom of the press,” which increases the political costs of violence through transparency. Alongside these measures, reforms in the security sector, especially human rights training for military and security forces, the adoption of clear guidelines on the use of coercive force, and the establishment of effective complaint mechanisms for citizens, can help reduce the systematic capacity for state violence (3).

From the perspective of political criminology, understanding the “cycle of authoritarianism” is important: crisis of legitimacy → concentration of power → securitization of politics → organized repression → consolidation of authority through fear. Breaking this cycle is difficult without intervening in the roots of legitimacy and redistributing power. For this reason, policy recommendations must simultaneously address constitutional reform, including the

balance of powers and the guarantee of fundamental rights; improvement in the quality of governance, including financial and administrative accountability; and the empowerment of civil society. International cooperation, through special rapporteurs, fact-finding mechanisms, and engagement with the International Criminal Court, can also create external deterrence. Nevertheless, experience shows that in the absence of domestic political will, international mechanisms are often delayed and limited; therefore, the creation of “zero impunity” in domestic law and in the organizational culture of security institutions is essential.

The conclusion of this discussion is that authoritarianism, as a “structure of risk,” significantly increases the possibility of realizing the material and mental elements of crimes against humanity. Concentration of power, elimination of oversight, securitization of society, and denial of human rights are the four pillars of this structure of risk. Any prevention strategy must target these pillars through transparency, separation of powers, judicial independence, and the guarantee of fundamental rights.

Ruling Ideology and the Legitimation of Violence

Ideology, as a meaning-producing and justificatory framework for collective behavior, plays a central role in the formation and continuation of crimes against humanity. To mobilize political and social resources and homogenize the executive body, governments often resort to state-centered ideologies in which the boundary between “self” and “Other” is defined in a rigid and hierarchical manner. The process of “Othering,” that is, constructing a threatening and dehumanized image of target groups, takes shape at the core of ideology and is transferred to the state’s propaganda and educational apparatus. In this process, “enemy construction” is not merely political labeling, but the creation of a moral classification: others are presented not only as opponents, but as “illegitimate,” “without value,” or a “threat to survival.” Golkhandoan and Hajdehabadi state that ideologies based on race, ethnicity, religion, or discriminatory policymaking create the grounds for widespread violence by legitimizing policies of elimination (7).

One of the key mechanisms of ruling ideology is the production of “security and historical necessities,” meaning that violence is presented as an “inevitable measure” for preserving order or fulfilling a historical mission. Within this framework, propaganda campaigns borrow from selective historical narratives, exaggerated threats, and biological metaphors, such as cleansing the political body of harmful elements. This “biopolitics of violence” becomes linked to criminal law and penal policy and leads to discriminatory criminalization or selective law enforcement policies. As a result, the criminal justice system develops ideological bias and, instead of neutrality, serves social engineering (8).

The legitimation of violence at the institutional level occurs through three pathways: first, “ideological legislation,” in which laws, through vague definitions of security and public order, leave the state free to act selectively; second, “dejudicialization of human rights,” through which access to justice is restricted and violations by security agents are justified under the cover of security exceptions; and third, “media-based quasi-judicialization,” in which official media, by performing the role of moral adjudication, attach the label of criminal or traitor to individuals before any judicial proceeding. These three pathways create a closed cycle in which ideology produces law, law empowers the media, and the media directs public opinion toward accepting governmental severity.

The phenomenon of “hate policymaking” is also noteworthy here: a set of policy measures aimed at systematically marginalizing target groups through legal, political, and economic deprivation, including gradual deprivation of citizenship rights, denial of public services, occupational and educational restrictions, and the creation

of bureaucratic barriers to social participation. Although these policies may have a law-like appearance, in practice they become “structural violence,” creating severe and widespread risks to human dignity. The combination of structural violence with symbolic violence and, ultimately, physical violence paves a gradual but certain path toward the threshold of crimes against humanity (9).

From the perspective of international criminal law, ideology is not in itself a crime; however, it plays an important evidentiary role in establishing the “mental element” and “state policy” in crimes against humanity. The existence of policy documents, official speeches, confidential guidelines, training programs for security forces, and the content of official media can prove that the attack against a civilian population was the product of a conscious and organized policy. Cases before the ICC and special international criminal tribunals, such as those concerning Yugoslavia and Rwanda, have repeatedly shown that hate discourse and ideological training create the mental groundwork for committing murder, forced deportation, torture, and systematic persecution. Therefore, documenting ideological evidence has strategic importance for the criminal prosecution of high-ranking officials (1).

At the preventive level, confronting violence-producing ideology requires a multidimensional strategy: reforming educational and training programs to promote human rights literacy and tolerance; balanced regulation of hate speech while preserving legitimate freedom of expression; strengthening independent media and fact-checking monitors; and creating mechanisms for minority groups’ participation in policymaking processes. The adoption of anti-discrimination laws with effective enforcement guarantees and the creation of independent supervisory institutions can also structurally counter hate policies. On the other hand, clear guidelines must be developed within the judiciary for the strict interpretation of security exceptions and for observing the principles of necessity and proportionality in restricting fundamental rights, so that legal tools do not become ideological cover for violence.

Therefore, when ruling ideology institutionalizes discriminatory and enemy-constructing practices, it affects not only attitudes and discourse, but also legal and executive institutions, transforming violence into a “normative” action. Breaking this cycle is impossible without intervention in the cultural, legal, and institutional layers of ideology.

Crisis of Governmental Legitimacy and Repressive Behaviors

Political legitimacy, as the normative and functional acceptance of authority from the perspective of citizens, is one of the most important moral and legal shields against state violence. When legitimacy erodes, governments resort more heavily to coercive instruments to maintain control; thus, the “absence of consent” is filled by an “increase in coercion.” A crisis of legitimacy may have various causes: inefficiency in providing public goods, corruption and rent-seeking, unresolved identity cleavages, structural inequalities, and security crises. By creating a gap between the state and society, these crises provide the basis for widespread mistrust. In such an environment, civil protests increase, and if the government’s response is securitization and repression instead of reform and dialogue, the path toward “organized repression” is paved, which may qualify as a crime against humanity under international law, especially when a widespread or systematic attack against a civilian population occurs in the form of murder, mass arrests, torture, or enforced disappearance (10).

The security cycle under conditions of legitimacy crisis usually passes through three stages: first, “labeling protesters” as rioters, agents, or threats to national security; second, “increasing use of coercive force” under the justification of restoring order; and third, “judicialization of the crisis” through case-building and severe punishments for leaders and social networks. In the short term, this cycle may create apparent stability, but in the long term it

leads to further erosion of legitimacy and increased costs of governance. Moreover, systematic violations of human rights may trigger international monitoring and criminal mechanisms.

From the perspective of state crime criminology, a crisis of legitimacy becomes criminogenic when it is combined with a “violence-tolerant organizational culture” within security and judicial institutions. If human rights training is insufficient, guidelines on the use of force are vague, and internal accountability mechanisms are weak, the likelihood of crossing the threshold into unlawful violence increases. In particular, mass detentions without fair trial, torture to obtain confessions, and enforced disappearance as instruments of political control are serious warning signs. The necessity of accession to international instruments such as the Convention for the Protection of All Persons from Enforced Disappearance and the criminalization of such conduct in domestic law becomes even more significant in this context (11).

In the political economy of legitimacy crisis, with the decline of social capital and institutional trust, governments sometimes resort to populist policies and diversion of public opinion, which may itself intensify polarization and structural discrimination. These discriminations are ultimately reflected in the criminal justice system: selective enforcement of law, disproportionate punishment of opponents, and unwarranted leniency toward government forces. Such a dual pattern both undermines the standards of equality before the law and strengthens feelings of injustice, thereby intensifying unrest—a vicious cycle from which exit requires deep legal and institutional reforms.

Preventive measures under conditions of legitimacy crisis must be multidimensional: first, “trust-building reforms,” including financial and administrative transparency, effective anti-corruption measures, and reform of policing practices; second, “structured dialogue with civil society” and the creation of social mediation systems to manage conflicts; third, “strengthening judicial independence” and guaranteeing the right to defense and fair trial even in emergency conditions; fourth, “adopting clear protocols for managing assemblies,” making the use of force subject to the criteria of necessity and proportionality and replacing lethal means with non-lethal tools. In addition, continuous human rights training for security and judicial forces and the creation of public complaint and oversight systems can both increase the costs of human rights violations and contribute to the restoration of legitimacy (3).

At the international level, legitimacy crises accompanied by widespread human rights violations may attract the attention of regional and global mechanisms: thematic or country special rapporteurs, treaty committees, and in more severe cases, referral to the International Criminal Court. Through constructive engagement, acceptance of recommendations under the Universal Periodic Review (UPR), and implementation of national human rights programs, states can show that they have the will to reform; this both prevents escalation of tensions and enables a return to the path of legitimacy.

Thus, if a crisis of legitimacy is accompanied by harsh security policies and a non-independent judiciary, it increases the risk of transition to the level of crimes against humanity. Prevention requires the reconstruction of trust through institutional reforms, human rights guarantees, and prudent management of social conflicts.

Economic Policies and State Sanctions

At first glance, economic policies may seem distant from the domain of international criminal law, but contemporary experiences have shown that deliberate and targeted economic decision-making, if it leads to widespread and organized harm to civilian populations, can approach the threshold of crimes against humanity. The key element in this transition is “intent and knowledge” of the devastating consequences of the policy and its continuation despite awareness of its results. Zakerhossein correctly notes that the imposition of economic

sanctions with the aim of creating famine or widespread harm to public health, if the elements of knowledge, intent, and organization are realized, may be regarded as a crime against humanity (12).

Within the state, extreme austerity policies, structural discrimination in the allocation of budgets and public services, denial of minority groups' right of access to vital resources such as water, food, and medicine, or the internal economic blockade of specific regions may be considered examples of "organized economic violence." If these policies are not the product of policy error but part of a program of elimination or pressure against an identifiable group, the mental element, namely knowledge and intent, can be inferred. At the external level, the imposition of comprehensive economic sanctions by states or organizations against a country is a more complex issue. From the perspective of public international law and humanitarian law, the distinction between targeted sanctions and indiscriminate sanctions is important. When sanctions lead to the destruction of or widespread harm to civilians and continue with the purpose and awareness of these effects, the issue of "international responsibility" and even "criminal responsibility" may be raised, although establishing such responsibility requires precise criteria and strong evidence.

The subtle point is that international criminal law has traditionally focused on acts of physical violence; however, contemporary developments have placed the concepts of "structural violence" and "economic victimization" at the center of criminological attention. Economic consequences can lead to widespread and serious harm to human dignity through increased mortality caused by famine, disease, malnutrition, or lack of access to medical services. In such circumstances, if the policymaker knowingly and with the intent to pressure a specific group continues the course of action, it may be possible to align the conduct with certain forms of crimes against humanity, such as other inhumane acts causing severe pain and suffering. The difficult question is how the "causal relationship" between economic policy and human harm can be proven. This requires epidemiological data, reliable statistics, policy documents, and expert assessment to show that the policymaker pursued the course of action with knowledge of its effects.

At the level of international mechanisms, existing practice has not yet fully clarified this area. Nevertheless, doctrinal literature is expanding: on the one hand, there is a defense of "smart sanctions" that minimize effects on civilians; on the other hand, there is emphasis on "criteria of proportionality and necessity" and the possibility of judicial or quasi-judicial oversight of the humanitarian effects of sanctions. Zakerhossein proposes that human rights criteria should be integrated into the design, implementation, and review of sanctions, and that compensatory mechanisms should be considered for affected groups (12).

Domestically, discriminatory economic policies can, alongside other elements of authoritarian governance, turn into a "criminogenic combination": economic deprivation + hate propaganda + physical repression. This combination causes the target group to be simultaneously deprived of survival resources and exposed to symbolic and physical violence. Under such conditions, domestic prosecution is often impossible due to the same structure of power; for this reason, international mechanisms acquire a compensatory role. Nevertheless, the best strategy is structural prevention: budgetary transparency, human rights impact assessments (HRIAs) before adopting major policies, participation of minority groups in the budgeting process, and the guarantee of minimum subsistence as a fundamental social right.

From the perspective of domestic and international law, the concepts of "persecution and other inhumane acts" in the definition of crimes against humanity should be updated in light of socio-economic considerations so that where economic policies systematically cause severe pain and suffering, no accountability gap remains. Of course,

this conceptual development must be undertaken with caution and on the basis of clear criteria in order to avoid “over-criminalization” and prevent the boundary between policy error and international crime from becoming blurred. Criteria such as continuity, scope of harm, foreseeability, existence of less harmful alternatives, and documentation of intent to pressure a specific group can guide this distinction.

Therefore, state economic policies, if they possess the elements of intent, knowledge, widespread impact, and organization, may reach the threshold of crimes against humanity. For prevention, the integration of human rights assessments into the policy cycle, transparency and participation, and domestic and international oversight mechanisms are essential.

The Role of Government Executive Agents in the Emergence of Crimes Against Humanity

In the criminological analysis of crimes against humanity, exclusive focus on the will of political leaders is insufficient, because the actual realization of a “widespread or systematic attack” requires an efficient executive machine that transforms political orders into physical and structural acts of violence. In this section, the role of the executive arms of sovereignty in facilitating, implementing, and continuing these crimes is examined.

The Role of Military and Security Forces in the Realization of Crimes Against Humanity

Among all executive agents of government, military, law enforcement, and security forces play the most important and direct role in the realization of crimes against humanity, because these institutions, in most governmental structures, possess the monopoly over the legitimate means of force, and whenever this monopoly is placed outside legal, ethical, and institutional oversight, it can lead to organized violence against civilian populations. Indeed, what distinguishes crimes against humanity from scattered and isolated acts of violence is not merely the severity of the criminal conduct, but its connection with organization, hierarchy, command, planning, and regular implementation; and these features exist institutionally within military and security forces. For this reason, in most historical examples and in the practice of international criminal tribunals, from Nazi Germany and Rwanda to the former Yugoslavia, Sudan, Myanmar, and certain Middle Eastern crises, military and security forces have either been the direct perpetrators of crimes against humanity or have at least provided the executive context for their commission.

The principal function of military and security forces in the modern state is to preserve national security, territorial integrity, public order, and the protection of citizens’ lives and property. However, in authoritarian systems or under conditions of legitimacy crisis, this function may undergo a substantive transformation and shift from “protecting society” to “protecting power.” From this moment onward, the citizen is no longer regarded as a rights-holder, but as an object of control; the political opponent is no longer considered part of the political community, but is called a “security threat”; and civil protest is not recognized as a form of public participation, but is presented as a sign of disruption of order. Under such conditions, security language becomes an instrument for redefining reality, and military and security forces, as executors of this redefinition, become prepared to accept extraordinary measures as part of their professional duty. Thus, the use of force exceeds the level of legal control and becomes a continuous pattern of repression, intimidation, and physical or psychological elimination of opponents and undesirable groups (2).

One of the most important reasons for the involvement of these forces in crimes against humanity is their hierarchical and command-based structure. In military and security organizations, obedience to orders, organizational cohesion, and compliance with command are considered fundamental professional values. Under

normal conditions, this characteristic is necessary for efficiency and operational order; however, in the context of criminal policy, this same feature can become a factor in the unquestioned execution of unlawful orders. When the orders issued concern widespread repression, torture, enforced disappearance, mass killing, forced displacement of populations, or ethnic cleansing, the command structure can obscure the criminal responsibility of subordinates while simultaneously enabling the wide-scale realization of the crime. In such circumstances, lower-ranking forces often justify their conduct through the logic of “performing duty” or “obeying superior orders”; a justification that, especially after Nuremberg, can no longer be accepted as a complete defense in international criminal law, but which still plays an important role in the psychological and organizational reality of perpetrators in facilitating crime (6).

The criminological study by Hajidehabadi, Shams Nateri, and Golkhandoan on the psychological structure of perpetrators of crimes against humanity shows that many actors in this category of crimes possess features such as absolute submission to power, reduced moral sensitivity toward the suffering of the Other, normalization of violence, externalization of responsibility, and ideological acceptance of the enemy (4). This finding is highly significant because it shows that crimes against humanity are not merely the product of the personal will of a sadistic or pathological individual, but in many cases can be explained through organizational and psychological processes. Violence-centered training, a barracks-like or security environment based on the friend/enemy binary, repeated repression operations, and receiving organizational rewards for “decisiveness” can reduce the moral sensitivity of agents and turn them into efficient executors of violence. In other words, military and security forces in criminogenic structures are not merely “agents,” but are also the “products” of a political-organizational engineering that turns them into instruments for implementing policies of elimination.

Another important point is the institutional and practical impunity of military and security forces. In many governments, these forces, because of their special position in preserving political survival and stability, enjoy a kind of structural support that effectively distances them from criminal accountability. This impunity may have a formal form, such as special regulations, exceptional courts, confidentiality of files, or restrictions on proceedings concerning crimes committed by agents; or it may have an informal form, such as influence over the judiciary, political pressure on judges, intimidation of complainants and witnesses, and prevention of information dissemination. The result of both forms is the weakening of criminal deterrence. When an agent is certain that if he commits murder, torture, or enforced disappearance, he will not be effectively prosecuted, the likelihood of exceeding legal limits increases. From this perspective, impunity is not a marginal factor, but one of the most important structural drivers of crimes against humanity (3).

In international practice, the role of these forces is clearly visible. In many cases before the International Criminal Court and special tribunals, attacks against civilian populations have been organized and carried out by military units, paramilitary groups, special police, or security services. The importance of this issue lies in the fact that armed and security forces, unlike informal groups, possess the institutional capacity for planning, record-keeping, geographic control, imposing blockades, identifying target populations, and sustaining operations. This capacity effectively satisfies the element of being “widespread or systematic,” which is an essential condition for the realization of crimes against humanity. For this reason, whenever a state or ruling structure decides to implement a policy of violence against part of the population, military and security forces are usually its first and most effective operational instrument.

From the perspective of international criminal law, the responsibility of these forces can be raised at several levels: direct perpetration, participation, and command responsibility. A direct perpetrator is someone who personally commits the criminal act; however, in crimes against humanity, commanders and high-ranking officials often play a more decisive role. The principle of “command responsibility” is based on the idea that a military commander or security official, if he knew or should have known that crimes were being committed by forces under his command and failed to take action to prevent or punish them, bears criminal responsibility. This principle has particular importance in the analysis of state structures, because it shows that crimes against humanity are not merely the result of the deviation of a few agents, but reflect defect or corruption at the top of the chain of command. Therefore, focusing solely on lower-ranking agents without reaching decision-making layers is inconsistent with the philosophy of accountability in international criminal law.

At the preventive level, reforming military and security forces is one of the most vital strategies for preventing the emergence of crimes against humanity. These reforms must begin at the level of basic training and continue through the system of performance evaluation, command accountability, and judicial oversight. First, human rights and humanitarian law training must be institutionalized not as a ceremonial unit, but as part of the professional identity of the forces. Second, guidelines on the use of force must be clear, restrictive, and based on the principles of necessity and proportionality. Third, complaint mechanisms and independent investigation of violations by military and security forces must be active and reliable. Fourth, the organizational culture based on the “construction of the internal enemy” must be replaced by a culture of public service and protection of citizens’ dignity. Otherwise, any political or social crisis can once again push these forces toward a pattern of repression.

The outcome of this discussion is that military and security forces, due to their monopoly over force, hierarchical structure, broad operational capacity, and enjoyment of institutional support, stand at the center of the executive process of crimes against humanity. Wherever these forces move beyond legal control and the logic of regime survival prevails over the logic of human rights protection, the risk that they will become the executive arm of international crimes seriously increases.

The Role of the Judiciary in Facilitating or Preventing Crimes Against Humanity

In every political system, the judiciary is the most important authority for guaranteeing the rule of law, protecting fundamental rights, and restraining the arbitrariness of public power. From this perspective, the role of the judiciary in relation to crimes against humanity is dual and decisive: the judiciary can be the first effective barrier against organized governmental violence, or, conversely, by losing independence and impartiality, it can itself become one of the facilitating and legitimating links of these crimes. This duality arises from the fact that crimes against humanity often occur not in a legal vacuum, but in the context of the collapse or transformation of judicial function. This means a situation in which justice is no longer a public forum for seeking remedies, but has become an instrument for preserving political power, suppressing critics, and preventing accountability for governmental actors.

In governments in which judicial independence is weakened, the first consequence is the erosion of the principle of equality before the law. In such a situation, political opponents, ethnic and religious minorities, journalists, human rights defenders, and protesters are prosecuted with severity and speed, while violations and even crimes committed by security forces or government officials are either not investigated at all or are addressed in a formalistic, selective, and ineffective manner. This duality removes the justice system from neutrality and turns it into a mechanism for politically managing social conflicts. Within such a framework, the judiciary not only fails to

prevent crimes against humanity, but by creating impunity, producing fear, and leaving victims without protection, it effectively assists in their continuation (6).

One of the fundamental functions of the judiciary in the context of governmental crimes is the legal control of the actions of military and security forces. If the justice system is able to stop unlawful detentions, criminalize and prosecute torture, investigate enforced disappearance, and provide victims with the possibility of effective complaint, many processes leading to crimes against humanity can be controlled at their early stages. However, when the judicial institution comes under political influence, this deterrent function collapses. Arbitrary detentions are approved through stereotyped orders, confessions obtained under torture are accepted in proceedings, collective and show trials replace fair trial, and the principle of the personal nature of criminal responsibility is overshadowed by security and ideological classifications. Thus, instead of serving as a barrier to crime, the judiciary becomes part of its architecture.

Here, a distinction must be made between the dejudicialization of human rights and the judicialization of repression. The dejudicialization of human rights means removing cases of violation of fundamental rights from access to effective judicial oversight and review, for example through secrecy, referral to exceptional institutions, or broad reliance on security considerations. By contrast, the judicialization of repression means the instrumental use of the justice institution to give repression a legal appearance; that is, when a government attempts to formulate detention, deprivation, confiscation, long-term imprisonment, execution, or denial of rights of target groups in the form of judicial rulings in order to reduce the political and international cost of its actions. This pattern is especially observed in governments that seek to combine authoritarianism with the appearance of legality. Here, the court, instead of being a place for vindicating rights, becomes a stage for displaying state authority.

Allameh's study shows that in many historical experiences, dependent and non-independent courts have not only failed to prevent the commission of crimes against humanity, but have contributed to the realization and continuation of these crimes by preventing independent investigation, acquitting officials, refusing to register victims' complaints, and ignoring evidence of human rights violations (6). This judicial contribution may be active or passive. Active contribution occurs when courts directly issue discriminatory, unlawful, or repressive rulings. Passive contribution occurs when the judiciary refrains from performing its duties in the face of violations by governmental agents. Both situations are important in the logic of state international responsibility and in the structural analysis of crimes against humanity, because they show that the crime is not the result of a limited deviation, but the outcome of cooperation or institutional failure at multiple levels.

From the perspective of international criminal law, the importance of judicial independence is not limited to the domestic level, but is also connected with the principle of "complementarity" of the International Criminal Court. Under this principle, the Court intervenes when the relevant state is unwilling or unable to conduct genuine and effective investigation and prosecution. Therefore, the collapse of judicial independence or the misuse of the judicial institution to shield officials and governmental forces from responsibility can provide the basis for activating the Court's complementary jurisdiction. In other words, the inefficiency or dependence of national justice is not only a domestic matter, but also a factor that may activate international criminal accountability.

Nevertheless, the role of the judiciary cannot be analyzed solely as a facilitator. In many countries, independent courts, supreme courts, courageous prosecutors, and judicial oversight institutions have served as important obstacles to the transformation of repressive policies into crimes against humanity. Issuing rulings that restrict the government's extraordinary powers, requiring compliance with arrest and trial procedures, criminally prosecuting

offending agents, supporting media and associational freedom, and recognizing state responsibility to compensate victims are among the tools that the judiciary can use to prevent the escalation of governmental violence. Therefore, the judiciary should not be assumed to be inherently allied with political power; rather, it should be seen as an arena of struggle, the outcome of which may vary depending on the degree of structural independence, judicial culture, legal guarantees, and civil society pressure.

At the preventive level, several components are necessary for the effectiveness of the judiciary against crimes against humanity: first, guaranteeing the institutional independence of judges and prosecutors through non-political mechanisms of appointment, dismissal, and promotion; second, explicit criminalization of international crimes in domestic law and training judges on the elements of these crimes; third, guaranteeing access of victims, lawyers, and civil institutions to justice without fear of retaliation; fourth, transparency in proceedings, publication of judicial decisions, and the possibility of public and media oversight; and fifth, the creation of special investigative bodies for crimes committed by governmental forces. Without these foundations, even the best legal texts will remain ineffective in practice.

Accordingly, the judiciary plays a key and decisive role in the process of emergence or prevention of crimes against humanity. If the judiciary is independent, impartial, and committed to human rights, it can interrupt the chain of organized violence at its earliest stages; however, if it becomes an instrument of power, it will itself become one of the most important channels for legalizing repression and consolidating the impunity of perpetrators.

The Role of Government Media in Inciting, Justifying, and Normalizing Crimes Against Humanity

In centralized and authoritarian governments, government media are not merely tools of information dissemination, but part of the apparatus for producing meaning, perception, and political identity. Therefore, their role in the process of emergence of crimes against humanity should not be regarded as marginal or secondary. In many cases, before physical violence against a group of citizens begins, symbolic and discursive violence against them has already taken shape in the media sphere. Through word choice, setting the public agenda, highlighting or concealing realities, and selectively representing actors, the media can prepare public opinion to accept repression, exclude a group from the circle of moral empathy, and ultimately portray the government's violent actions as necessary, justified, or even heroic. In such a situation, the media is not merely a reporter of power, but a discursive partner of power in social and political engineering.

One of the most important mechanisms of government media in this regard is the dehumanization of the target group. Dehumanization occurs when an ethnic, religious, political, or social group is represented not as rights-bearing citizens, but as dangerous, contaminated, treacherous, deviant elements or threats to national security and identity. This process reduces society's moral sensitivity toward the suffering of that group and prepares the ground for accepting discrimination, elimination, and even widespread violence. In criminology, this process can be explained through the concept of "symbolic violence," meaning a form of domination exercised through language, image, stereotype, and meaning, which creates the psychological and cultural preconditions for objective violence. In his examination of the concept of crimes against humanity and their mental contexts, Bayat points out that discursive and media processes play a fundamental role in legitimizing violence and reducing the human status of victims (8).

In addition to dehumanization, government media also play a key role in legitimizing repression. This legitimization often occurs through the construction of a security narrative of reality. In this narrative, the state is always placed in

a defensive and reactive position, while the target group is presented as the initiator of crisis and the agent of instability. Killing, mass arrest, deprivation of rights, severe restrictions, or internal military operations are framed not as violations of human rights, but as unavoidable measures for preserving security, national unity, territorial integrity, or combating terrorism. The function of this narrative is to create an inverted relationship between the state and the victim: the victim becomes the aggressor, and the state becomes the victim. The result of this semantic displacement is a reduction in the moral and political cost of governmental violence.

Another important mechanism is the distortion of reality and the obstruction of the free flow of information. In many cases, crimes against humanity occur under conditions in which access of independent media is restricted, journalists are arrested or threatened, the internet and communications are disrupted, and official reports remain the only source of information. In such an environment, government media can severely control public perception by removing images of victims, denying actual statistics, fabricating alternative narratives, broadcasting forced confessions, and focusing on possible errors by the target group. This informational monopoly is used not only domestically, but in some cases also to influence foreign public opinion. In this way, the media becomes one of the most important instruments for “concealing crime.”

From the perspective of international criminal law, the role of media in collective crimes has already been prominently addressed in the experience of Rwanda, where hate media moved beyond the level of justification and reached the level of direct incitement to violence. Although not all government media in cases of crimes against humanity necessarily reach this threshold, even in the absence of explicit incitement they can contribute to the emergence of the social context of crime through promoting hatred, consolidating dangerous stereotypes, silencing victims’ voices, and normalizing collective punishment. Therefore, the analysis of crimes against humanity without analysis of their media dimension is incomplete, because many of these crimes become possible in public minds and language before they occur in the field.

The role of government media must be understood in connection with other executive institutions of government. The media often operates in coordination with the security apparatus, administrative bureaucracy, and judicial system. Security forces repress, and the media justifies it; bureaucracy institutionalizes discrimination, and the media portrays it as natural; dependent courts issue judgments, and the media presents them as signs of the rule of law. This institutional synergy multiplies the destructive power of the media. For this reason, government media should not be analyzed merely at the level of persuasion or propaganda; rather, it should be regarded as part of the “executive architecture of crime.”

In prevention, the most important solution is to guarantee media pluralism, freedom of the press, free access to information, and support for independent journalism. The less media monopoly the state has, the less possibility there is for constructing one-sided and hate-producing narratives. Strengthening society’s media literacy, supporting fact-checking institutions, and limited and precise criminalization of hate speech within the framework of human rights standards can also prevent the transformation of the media into an instrument of violence. At the same time, a distinction must be made between political criticism, freedom of expression, and advocacy of hatred so that confronting media violence does not itself become a pretext for suppressing freedom.

Ultimately, government media play a role in the emergence of crimes against humanity that goes beyond propagandistic support. Through Othering, justification, distortion, silencing, and normalization, they create the psychological and social environment necessary for widespread violence. Whenever the media departs from its

public information mission and becomes the ideological and security arm of the government, the danger increases that language will become the prelude to bloodshed.

Administrative Institutions and the Bureaucracy of Crime

If the analysis of crimes against humanity focuses only on the direct agents of violence, such as military personnel, security agents, or commanders, it overlooks an important part of reality, because these crimes, in most cases, cannot be designed, implemented, and sustained without a regular administrative and bureaucratic apparatus. Mass killing, forced deportation, ethnic cleansing, deprivation of nationality, systematic denial of services, enforced disappearance, and widespread repression all require information registration, population classification, issuance of permits, inter-institutional coordination, allocation of resources, secrecy, preparation of correspondence, and management of implementation. It is here that bureaucracy, instead of being an instrument of administrative rationality and public service, becomes the technical and organizational infrastructure of crime.

Hannah Arendt's famous idea of the "banality of evil" is highly useful for understanding this phenomenon. Arendt meant that many great crimes are not necessarily committed by exceptional monsters, but by ordinary individuals and employees who perform their administrative duties with precision and discipline without thinking about their ethical consequences. From this perspective, great evil can become normalized through administrative forms, circulars, files, lists, and daily routines. The dangerous characteristic of bureaucracy is that it fragments and disperses responsibility; each employee performs only a small part of the process, and this fragmentation of responsibility reduces the feeling of individual guilt. A person who enters names into a list of "unauthorized" individuals may not consider himself responsible for their arrest, deportation, or death; but in reality, without that apparently technical act, the cycle of crime would not be completed.

In state-centered structures, bureaucracy can play a role in the emergence of crimes against humanity at three levels: the level of identification and classification, the level of implementation and coordination, and the level of concealment and denial. At the first level, administrative institutions identify target groups and distinguish them from others through census, civil registration, issuance of identity documents, educational and occupational records, or security databases. At the second level, administrative mechanisms enable the orderly implementation of policies of repression or elimination through issuing orders, transferring budgets, coordinating among security forces, judicial institutions, and local authorities. At the third level, the same bureaucracy contributes to denial or concealment of crime through confidential classification, destruction of documents, preparation of false reports, incomplete registration of statistics, and management of correspondence. These three levels show that bureaucracy is not a passive observer, but part of the causal structure of crime.

In their analysis of the role of globalization and the complexity of administrative mechanisms, Ravaei and Kargar point out that increasing institutional complexity and the networking of governance processes have increased the possibility of concealment and distribution of responsibility in organized crimes (9). This proposition has special importance concerning crimes against humanity, because the more complex and multilayered the administrative structure becomes, the more difficult it becomes to identify the point of decision-making and attribute responsibility. In such an environment, senior officials may conceal their decisions in the form of vague memoranda, oral orders, inter-organizational committees, or technical and indirect language, while mid-level executors and junior employees also avoid accepting moral and legal responsibility by referring to the limited nature of their roles. Therefore, modern bureaucracy can provide a kind of "institutional cover" for crime.

The role of bureaucracy in crimes against humanity is not limited to the internal administration of the country. In the contemporary period, surveillance technologies, databases, border control systems, digital identification tools, and intelligent information analysis systems have increased the capacity of states to identify, track, and control target groups. If these capacities are not restrained within a human rights framework, they can become highly effective tools for organized repression. For example, gradually denying a group access to banking, educational, medical, or identity-document services through administrative and digital systems can place that group in a situation of social exclusion and severe pressure without the overt use of physical violence. This is where bureaucracy and technology produce a new form of structural violence.

From a legal perspective, analyzing the bureaucracy of crime is highly important for the discussion of the element of organizational policy and participation in crime. In many cases, proving the existence of circulars, administrative correspondence, internal reports, coordination programs, and executive guidelines is the most important evidence that the attack against a civilian population was not the result of arbitrary conduct, but the outcome of a state or organizational policy. Administrative employees and managers, depending on their degree of knowledge, role, and influence, may also bear criminal responsibility under titles such as aiding, participation, facilitation, or assistance in the commission of crime. Although legal systems must carefully distinguish between the performance of ordinary administrative duties and knowing participation in a criminal policy, administrative complexity should not be used as an excuse for ignoring structural responsibility.

At the preventive level, reforming state bureaucracy is one of the least costly yet most effective strategies for controlling the risk of crimes against humanity. Administrative transparency, monitorable record-keeping and archiving, protection of whistleblowers, access of supervisory bodies and the media to public information, training in administrative ethics and human rights, and the creation of intra-organizational objection mechanisms for employees can prevent bureaucracy from becoming an instrument of crime. In addition, the principle of “administrative accountability” must be strengthened, meaning that employees and managers are accountable not only to the organizational hierarchy, but also to the law and human dignity. Wherever employees learn to refuse unlawful orders, and wherever the administrative system provides the possibility of recording objections and reporting violations, one of the essential links in the chain of crime is broken.

Ultimately, bureaucracy is the silent but decisive face of crimes against humanity. Many of these crimes are constructed in administrative rooms, forms, files, circulars, and databases before they take shape in the field of operations. If military and security forces are the visible arm of violence, bureaucracy is its hidden brain and executive infrastructure. Therefore, any comprehensive analysis of the role of government in the emergence of crimes against humanity must place bureaucracy at the center of attention.

Conclusion

The examination of the role of government structure in the emergence of crimes against humanity shows that this category of crimes is not merely the result of individual behaviors or personal deviations of perpetrators, but in many cases is the product of specific institutional and political structures that create the ground for systematic violence against civilian populations. The analysis conducted in this study showed that the structural characteristics of governments, including the concentration of power, the ideological nature of the political system, crisis of legitimacy, and discriminatory economic policies, are among the most important structural factors that can create the context for the commission of crimes against humanity.

The first fundamental finding of the study is that authoritarian systems, due to the intense concentration of power and weakness of oversight mechanisms, are more exposed than other political systems to the commission of organized violence. In such systems, the absence of genuine separation of powers, restrictions on the media, and weakness of civil institutions cause political decisions to be made without public oversight and create the grounds for abuse of power. This concentration of power, especially in the field of security and military institutions, can lead to the formation of patterns of systematic violence against specific social or political groups.

The second important result of the study concerns the role of governmental ideologies in legitimizing violence. Ideologies based on ethnic, racial, religious, or political superiority often create the grounds for eliminating or repressing specific groups by establishing the binary of “self” and “Other.” Under such conditions, discriminatory and violent policies are not only portrayed as justifiable, but are introduced as necessary measures for preserving security or national identity. In many cases, this ideological process is also strengthened through media propaganda and educational policies and gradually turns violence into a normal matter within the structure of governance.

The third finding of the study shows that crisis of political legitimacy can also play an important role in increasing the likelihood of committing crimes against humanity. When governments face declining public trust, economic inefficiency, or political crises, they may resort to repressive instruments to preserve power. In this situation, social protests or citizens’ political demands are interpreted as security threats, and the government’s response appears in the form of mass arrests, violent repression, or severe restriction of civil liberties. The continuation of such a process can lead to the formation of a pattern of systematic attack against the civilian population, which is one of the main elements of crimes against humanity.

The fourth finding of the study concerns the role of economic policies in creating the grounds for structural violence. Discriminatory economic policies, targeted deprivation of social groups from vital resources, or the imposition of severe economic pressure on a specific population can lead to widespread human harm. If such policies are adopted knowingly and with the aim of exerting pressure on or eliminating a population group, they may be examined within the framework of international criminal law as one form of inhumane conduct within crimes against humanity.

Overall, the findings of this study show that understanding the phenomenon of crimes against humanity requires moving beyond analysis of the individual behavior of perpetrators and paying attention to the political, institutional, and economic structures of governments. In other words, crimes against humanity are often the result of the interaction between the structure of power, political ideology, crisis of legitimacy, and governance policies. Therefore, effective prevention of these crimes requires reform of governance structures, strengthening the rule of law, guaranteeing the independence of supervisory institutions, and expanding the culture of human rights at the national and international levels.

In light of the findings of this research, the following suggestions are offered for future studies:

1. Conduct comparative studies among different political systems in order to examine the relationship between type of governmental system and the likelihood of occurrence of crimes against humanity. Such studies can help identify common structural patterns in systems prone to committing these crimes.
2. Examine the role of bureaucratic and administrative institutions of the state in implementing policies leading to crimes against humanity, because many of these crimes are carried out not only by political leaders but also with the participation of a network of administrative institutions.

3. Study the role of media and state propaganda apparatuses in normalizing violence and shaping public opinion toward acceptance of repressive governmental measures.
4. Conduct empirical analysis of cases heard before the International Criminal Court in order to identify the structural indicators of governments that have played a role in the commission of crimes against humanity.
5. Examine the impact of global economic developments, international sanctions, and state economic policies on the formation of structural violence and collective victimization.
6. Develop frameworks of State Crime Criminology in the Iranian legal system and adapt them to the concept of crimes against humanity in international criminal law.

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All authors equally contributed to this study.

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Transparency of Data

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