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53<sup>rd</sup> Session of the Human Rights Council,  
Interactive dialogue with the Special Adviser on the Prevention of Genocide  
(as per HRC/RES/49/9, 2022)

Geneva, 4 July 2023

Remarks by Ms. Alice Wairimu Nderitu

Under-Secretary-General - Special Adviser to the Secretary-General on the Prevention of Genocide

Your Excellencies,

Ladies and gentlemen,

I would like to thank you for this opportunity to update the Human Rights Council on my mandate as Under-Secretary-General and Special Adviser to the Secretary-General on the Prevention of Genocide. The role of the Human Rights Council remains critical in taking action on situations that are of concern to my mandate.

A day before the adoption of the Universal Declaration of Human Rights, the General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide, on 9<sup>th</sup> December 1948, as its first human rights convention.

This reaffirmed the gravity of this crime and the commitment to ensure its **prevention and punishment**.

This year, 2023, we commemorate the 75<sup>th</sup> anniversary of both the Convention on the Prevention and Punishment of the Crime of Genocide and the UDHR.

The theme of the 75<sup>th</sup> anniversary is “*The Legacy of Convention on the Prevention and Punishment of the Crime of Genocide – the past, present, and future of the promise of “Never Again”*”.

This Convention designates genocide, whether committed in times of peace or in times of war, as a crime against international law. The Convention also defines what constitutes genocide.

I am mandated to (a) collect existing information, on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that, if not prevented or halted, might lead to genocide; (b) act as a mechanism of early warning to the Secretary-General, and

through him to the Security Council, by bringing to their attention potential situations that could result in genocide; (c) make recommendations on actions to prevent or halt genocide; (d) liaise with the United Nations system on activities for the prevention of genocide and work to enhance the United Nations capacity to analyse and manage information relating to genocide or related crimes.

However, I do not investigate, conduct human rights monitoring, or legally qualify situations – either ongoing or from the past – as ‘genocide, war crimes or crimes against humanity’ respectively. Instead, I make assessments as to whether there is risk of genocide occurring in a particular situation, with the objective of preventing or halting those crimes in case they are suspected to be already occurring.

The [United Nations Strategy and Plan of Action on Hate Speech](#), which notes that hate speech was a precursor to genocide, including in Rwanda and Bosnia Herzegovina was launched by Secretary-General António Guterres in 2019, with my Office designated as the global UN focal point for hate speech.

Excellencies,

Ladies and gentlemen,

We are living in a time of digital transformation.

The link between new technologies and prevention was prioritized by the Human Rights Council in its resolution 49/9 of March 2022, on the prevention of genocide.

Whereas new technologies have connected us, they have also been used for online surveillance, harassment, and social media has spread across the world, without the corresponding content moderation resources and capacities.

This has resulted in an exponential spread of online hate speech, often instrumentalized for political gain, that foments division, violence, and in the most serious cases, atrocity crimes.

The Office I lead has organized annually, since 2020, roundtable discussions with tech and social media companies. We have developed a policy guidance based on the outcomes from these roundtables that will be launched tomorrow.

Refugees, migrants, and asylum seekers are facing serious human rights violations and abuses by smugglers, traffickers, militias, and sometimes even government officials.

The increasing number of migrants and asylum seekers dying in transit, including at sea, constitutes risk factors for atrocity crimes – genocide, war crimes and crimes against humanity.

Racist hate speech and discrimination against refugees, migrants, and asylum seekers are common practice, prevalent in transit territories and once they arrive at their destination.

In the Mediterranean, the violations and abuses documented, especially in Libya against refugees, migrants, and asylum seekers, as affirmed by the Human Rights Council UN Fact-Finding Mission, may amount to crimes against humanity and war crimes.

Countries of transit or arrival of migrants need to end the arbitrary arrests, confinements in inhumane conditions, and indefinite detention of migrants and refugees solely based on their migration status.

They must focus on protecting human rights rather than continuing policies that result in the containment of people in situations of abuse.

Safe and legal routes need to be opened, including by offering a meaningful number of places for resettlement and alternative pathways to international protection.

Greater efforts are urgently needed, to strengthen search and rescue capacity in the Mediterranean Sea, to support the work of human rights and humanitarian NGOs, and to adopt a common and human rights-based arrangement for the timely disembarkation of all people rescued at sea, ensuring that every refugee, migrant and asylum seeker rescued in the central Mediterranean or elsewhere is disembarked in a place of safety.

Emerging and protracted conflicts with devastating impact to human life continue to be evidenced in the now more than 10 years old war in Syria, in Yemen, Ukraine, Mozambique and Burkina Faso, and many more. There have been serious violations along identity lines in Afghanistan, with attacks against the Shia Hazara's places of worship and schools, in Mali, Central African Republic and South Sudan, including continued reports of armed mobilisations in Upper Nile.

The United Nations Security Council, in Resolutions 827/1993 and 955/1994, invoked the Genocide Convention to set up the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia.

These courts showed the value in bringing forward evidence that might otherwise not have been disclosed, and have become a reference point, including for refuting ongoing Genocide denial of the Genocide against the Tutsi in Rwanda and the Srebrenica Genocide.

The Court processes show evidence of well documented systematic, bureaucratic, state-sponsored persecution and murder. It is unacceptable that the survivors of these genocides are themselves at risk, from the denialists, once again.

In **Western Balkans**, I am concerned over tensions along identity lines, manifesting in **Bosnia Herzegovina** through deepening mistrusts and growing denial of past crimes, in particular the Srebrenica genocide.

Growing tensions have been witnessed in **Serbia and Kosovo, and more than ever, there** needs to be a strong investment in peace and reconciliation in the region. This requires genuine efforts by all actors to address the legacy of past crimes, embrace dialogue and understanding, and ensure reparations.

In the **Democratic Republic of Congo**, multiple attacks against civilians along ethnic lines, as well as of mass killings, sexual violence, abductions, destruction of property and attacks, including against IDP camps perpetrated by the numerous armed groups continue unabated.

My Office has consistently identified risk factors for genocide, war crimes and crimes against humanity in the **DRC**. Efforts by the African Union and the East African Community to end the violent conflict, in a region where a genocide against the Tutsi in Rwanda happened in 1994, are to be commended.

The International Conference on the Great Lakes Region (ICGLR) of which DRC is a member, requires of its Member States to take action to prevent and punish genocide, war crimes, crimes against humanity and all forms of discrimination.

My Office worked closely with the ICGLR to support the establishment and activities of a regional committee and national mechanisms that if supported can implement this protocol which can ensure that responses developed at the national or regional level are closely aligned with local needs.

In **Sudan**, I am gravely concerned by the ongoing fighting between Sudan's military and the Rapid Support Forces (RSF) and deaths, injuries, displacements to thousands in a war that has no respect even for an Eid ceasefire.

The humanitarian situation is dire, amid a security vacuum and protection gap in several states, including in Darfur, Kordofan as well as in the Blue Nile states.

In November 2022, I had voiced concern on hundreds of civilians killed in intercommunal clashes over land disputes among the Hausa, Funj and Berta ethnic communities of the Blue Nile state. This violence may soon engulf the entire Sudan in a civil war, with high risks of atrocity crimes being committed.

I welcomed the **ICC Prosecutor's briefing to the Security Council on the situation in Darfur as constituting an opportunity to engage and push for accountability.**

**I support the intervention of the African Union, including the trilateral mechanism** (the African Union, the Intergovernmental Authority on Development, and the United Nations) **and call on the Security Council's leadership as an integral part of that trilateral mechanism, including on language or concrete action** which echoes the gravity of what is unfolding in Sudan and in Darfur.

These attacks could constitute risk factors for atrocity crimes – genocide, war crimes and crimes against humanity.

**I am forewarning the Council today that the conflict in Sudan has the capacity to trigger violence** in the entire region, including along ethnic lines.

In the **Central Sahel** region, intercommunal violence and violent extremism, continue, with civilians facing targeted attacks along ethnic and community lines, ill-treatment, destruction of property as well as hateful and discriminatory speech.

In Myanmar, the crisis continues to present high risk for civilian populations, with the Rohingya remaining one of the most marginalized and vulnerable minorities in the country and across the region. Investigations have been carried out by the Fact-Finding Mission established by the Human Rights Council, and accountability processes at the ICC, ICJ and the IIM all continue. The Rohingya remain incredibly vulnerable.

**Ethiopia is to be lauded for** the peace agreement; however, I reiterate my call on the Ethiopian authorities to strengthen national mechanisms for accountability of ethnic and religious tensions, hate speech and alleged serious human rights violations, address the root causes of ethnic violence, and foster national cohesion and reconciliation. This needs to go hand in hand with implementing the recommendations of the international commission of human rights appointed by the Human Rights Council.

Haitians, faced with governance challenges and poverty and frequent disasters such as earthquakes and hurricanes face significant risks at home, including from criminal gangs. People of Haitian descent and Haitian migrants have also been met, in some of the places they seek refuge, with hate speech, human rights violations such as racism, discrimination, dehumanization and scapegoating for economic challenges, especially in political discourse. This could lay the foundation, in some of the countries they have sought refuge, for atrocity crimes.

In **Armenia and Azerbaijan**, I echo calls for dialogue and peace, and to avoid any escalation of tensions. Based on the binding Order of the International Court of Justice, I also reiterate calls made to promote free and safe movement through the Lachin corridor.

In **Brazil**, I have spoken consistently on the situation of indigenous peoples and peoples of African descent. I saw first-hand the impact of mining and excessive use of force against the Yanomami

in Roraima State and the Guarani Kaiowa in Mato Grosso Do Sul State. The killings, of their leaders and human rights and environmental defenders, as well as rapes of women and girls, arbitrary arrests, and detentions are well documented. The racial profiling and targeting, by the police of people of African descent must be addressed. I welcome the cooperation of the Government in facilitating my recent visit and in following up on my recommendations.

In Indonesia, the human rights situation in Papua remains deeply concerning. This includes alleged harassment, arbitrary arrests, and detention of Papuans and non-recognition of the rights of indigenous Papuans that has enabled the alleged appropriation of indigenous lands. Humanitarian assessment and assistance as well as a genuine, inclusive dialogue to address underlying grievances is encouraged.

In many of the situations, like the DRC and the Yanomami, the Guarani Kaiowa and Papua people, risk factors cannot be mitigated without addressing the role of extractive industries and exploitation of natural resources.

We know all too well the devastating impact and legacies across generations that genocides have on victims, targeted communities, and societies. The imperative to prevent genocide is hence legal and moral.

This includes acting – acting early at community, national, regional, and international level on the warning signs and indicators of risk, including violence and discrimination based on identity, hate speech and systematic violations of fundamental rights against civilian populations.

The failure to promptly respond to those warning signs allows genocide to happen.

Prevention of genocide and related crimes is closely linked to ensuring accountability. Failing to hold perpetrators accountable and allowing impunity to take hold increases the risk of future genocides. Likewise, the denial of past genocides hampers truth seeking and reconciliation. I will continue to work closely with this Council to foster both prevention and accountability.

Excellencies,

Ladies and gentlemen,

The Human Rights Council and its mechanisms continue to make important contributions in preventing genocide. I encourage this Council to continue these efforts and with a particular focus on the situations I have highlighted today, including through the Universal Periodic Review.

I will continue to raise alarm and support national, regional, and international efforts for atrocity prevention. Genocide is a process, and becomes it takes time to prepare, Genocide is a process that can be prevented.

Thank you.

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**For more information and media requests, please contact:**

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Office on Genocide Prevention and the Responsibility to Protect

- <http://www.un.org/en/preventgenocide/adviser/> -