

**Briefing to the Security Council by Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu**

**21 May 2024**

Mr. President,

Members of the Security Council,

I would like to thank the President of the Security Council, His Excellency Pedro Comissário Afonso, for convening this meeting today and for extending the invitation to me to brief the Council on this important topic of Protection of Civilians from the perspective of my mandate.

The mandate of the Special Adviser on the Prevention of Genocide is mainly outlined in a 2004 letter addressed by the Secretary-General to the President of the Security Council (S/2004/567). The letter lists the responsibilities of the Special Adviser and references the source of the mandate as Security Council resolution 1366 (2001), calling on the Special Adviser to act as a mechanism of early warning to and make recommendations to the Secretary-General, and Security Council, by bringing to their attention potential situations that could result in genocide and on actions to prevent or halt genocide.

Unlike other important mandates, such as Sexual Violence in Conflict and Children and Armed Conflict, which report annually, through the Secretary-General, to the Security Council, no such annual reporting has been established for the Prevention of Genocide mandate, which would allow for regular updates to the Council on situations or populations at risk. I therefore begin by making a strong request to the Security Council to periodically extend invitations for this mandate to present concerns in this respect.

Mr. President,

Members of the Council,

Protection of Civilians is at the core of my mandate. Genocide does not happen overnight. Genocide is part of a process that is well planned, prepared and followed through. Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide stipulates national, ethnical, racial or religious groups as the protected groups under this pillar of international law.

Genocide is preceded by risk factors and indicators. Many of them relate to deficits in the protection of civilian populations. Protection of civilians from the risk of genocide requires taking timely action so that the crime can be prevented. Under Article I of the 1948 Convention, the Contracting Parties ‘confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and punish.’

I would like today to raise my alarm, in a clear and unequivocal way, about the ongoing situation in Sudan.

This situation today bears all the marks of risk of genocide, with strong allegations that this crime has already been committed. Civilians are far from protected. Civilian populations are targeted on the basis of identity. In Darfur and El Fasher, civilians are being attacked and killed because of the colour of their skin, because of their ethnicity, because of who they are. They are also targeted with hate speech and with direct incitement to violence.

I have publicly raised concerns on this situation from the perspective of my mandate, I reiterate – prevention of genocide - including through seven public statements in the last twenty months.

On 8 September 2022, I stressed the imperative to ensure full accountability for the survivors and affected communities in Darfur from the violence of two-decades ago.

On 3 November 2022, I raised alarm on ongoing ethnic violence in Blue Nile, as well as cross-border mobilisation, hate speech and incitement to hatred.

On 13 June 2023, I expressed serious concern at the outbreak of full-fledged hostilities, violations and abuses of the international human rights and humanitarian law, and particularly at ethnic and tribal clashes in West Darfur, involving ethnic Arabs and ethnic Masalit, as well as in Kordofan and Blue Nile.

On 5 September 2023, I sounded the alarm again on the intercommunal and identity-based dimension of violence and the potential for further escalation.

On 14 November 2023, I reiterated my extreme concerns about the attacks against the ethnic Masalit community in West Darfur, allegedly perpetrated with an explicit intent to destroy.

On 21 December 2023, I alerted on the intensification of violence across wider Sudan, following the violence in and near Wad Madani, Gezira.

And on 15 April 2024, on the one-year anniversary of the outbreak of the current crisis, I reiterated my concern about prevailing signs of genocide and related crimes in the country, where people continued to be targeted for who they are.

Ever since the conflict erupted in April 2023, alarms have been relentlessly raised of systematic and indiscriminate attacks against innocent civilians in Khartoum, Darfur, Kordofan, Blue Nile, and Gezira, among others.

Mr. President,

Members of the Council,

In October last year, I undertook a visit to Chad, including the eastern border with Sudan, aimed at collecting first-hand information from refugees from the West Darfur region.

What I heard was horrifying. Refugees based in Farchana and Adre, many of them from the Masalit ethnic community, described the vicious violence they were subjected to and outspokenly alluded to elements which could indicate explicit intent to destroy their particular ethnic group.

Intent to destroy is one of the key elements of the crime of genocide. Article II of the Genocide Convention defines the crime as any of a series of acts – I quote- ‘committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group’, end of quote.

Violence that has allegedly been inflicted upon them include, among others, persistent use of rape as a weapon of war and other forms of sexual and gender-based violence; burning of entire villages; forced displacement; deprivation of conditions of life, including bombing of medical facilities and transportation, and deliberately limiting access to water and electricity. This is accompanied by the use of derogatory language as blacks and as (‘slaves’) as element of incitement to violence.

Sexual and gender-based violence provides a clear gender dimension of this vicious violence, together with the targeting of young men and boys.

Age pyramid statistics in the refugee camps I visited demonstrate that adolescents were present in the camps in a proportion that is far lower than the representation of the adult population and the standard representation of males in refugee camps across the world. This could indicate that this segment of the population was being particularly targeted in West Darfur.

Ethnically motivated attacks targeting these specific groups – the Masalit, and also the Fur and the Zaghawa – have been, and reportedly continue being, conducted primarily by RSF and allied armed Arab militias. They are reported to act in patterns whereby attacks against specific locations and individuals tend to be announced in advance, which could constitute indication of clear intent to destroy. Explicit calls to wage ‘religious war’ by the leader of the RSF go in the same direction.

The situation in West Darfur clearly targets one part of the population (Masalit) - many fled to Chad, but many were killed on the way or in the conflict. Refugees arriving from Sudan, particularly in Chad, indicate that violence is based on ethnicity, including against Masalit.

I have also received reports by institutions collecting data on only hate speech and incitement of large-scale information operations aimed at supporting RSF activity, including glorification of war crimes. Such reports outline users operating from other countries as source of such operations.

Witnesses and legal professionals involved in legal efforts to bring accountability for past violations are victims of targeted attacks.

Prominent community leaders have been killed.

Mass graves have been documented.

Leaders are calling on civilians to take up arms. Such calls are being amplified through social media.

Sudan is today the world's largest displacement crisis, with almost 9 million people displaced.

The main parties to the conflict, RSF and Sudan Armed Forces, continue to show disregard for international human rights and humanitarian law and they are not upholding their obligations.

Uncontrolled militias with no understanding of chain of command or of the most basic international obligations in conflict constitute a major risk for vulnerable innocent civilians. Uncontrolled forces are reportedly operating with impunity.

There is no distinction, proportionality and precaution in ongoing military operations. The focus is on military victory rather than on the protection of civilians. This is in spite of the parties' explicit commitment in this direction at the Jeddah Declaration of Commitment to Protect the Civilians of Sudan.

Use of heavy weaponry in densely populated areas has been reported. Bombings of civilian homes and infrastructures have been reportedly conducted by the Sudanese Armed Forces.

All parties to the conflict have been known to commit violations of international humanitarian law and international human rights law in Darfur. Airstrikes disproportionately affect civilians, affecting both African and Arab ethnic groups.

In addition, arrest and detention at checkpoints reportedly take place in states controlled by RSF and SAF and affect particularly youth and men. These may take place on the basis of ethnicity or imputed political opinion.

In addition, the lack of effective supply lines impacts on communities in Darfur who have no or little access to life-saving humanitarian aid.

Violence is only increasing. The protection presence that existed in the past with UNAMID concluded at the end of 2020, and the mandate to “assist peacebuilding, civilian protection and the rule of law” by UNITAMS was terminated in December last year.

Today, reports from El Fasher raise well-grounded concerns of risk of large-scale violence affecting thousands of people. Just last week, UN Resident and Humanitarian Coordinator for Sudan, Ms. Clementine Nkweta-Salami, alerted that “if the parties do not pull back from the brink”, the consequences will be devastating for the 800,000 people residing in El Fasher. I repeat, 800,000 people.

Recent reported attacks in villages outside El Fasher bear signs of not having military objectives and meaning to cause displacement and fear. Reports indicate that these attacks have been characterized by indiscriminate violence, including sexual violence, looting of personal belongings from houses as well as market areas, razing of residential and commercial structures, rustling of livestock and crop destruction. Fighting is affecting civilians disproportionately. Parties to the conflict, de facto authorities and armed groups continue to levy so-called ‘protection fees’ and arbitrary ‘taxes’ on the civilian population. Freedom of movement continues to be constrained.

Most people in El Fasher are of African descent – they are African tribes. Early warning signs indicate that if conflict continues, the risks of racially motivated attacks and killings will increase. The situation in West Darfur points to clear targeting of one part of the population, the Masalit. There are also reports of new Arab refugees leaving the area, which could also indicate ethnically motivated attacks targeting them.

Mr. President,

Members of the Council,

In Sudan, today, unequivocally we find a situation of armed conflict; we observe a record of serious violations of international human rights and humanitarian law; we witness a weak State structure; we are alarmed, day after day, about motives and incentives for violence, expressed by those who commit it; we are reminded, every day, of the capacity to commit international crimes.

In Sudan, we also witness the absence of effective mitigating factors to the current violence; enabling circumstances or preparatory action for violence are in front of us, for us to see; and triggering factors are as simple as a call to kill. Inter-group tensions or patterns of discrimination

against protected groups continue fuelling the cycle of violence. We see clear, explicit and unquestionable signs of an intent to destroy, in whole or in part, protected groups.

This is not just a descriptive list of what is happening today in the country.

This is a list of risk factors and indicators for the crime of genocide. Genocide, the gravest of crimes.

Insufficient reaction to Sudan by the global community belittles any progress we have made collectively for the prevention of the gravest of crimes.

It is imperative that all possible actions aimed at the protection of innocent civilian populations, in El Fasher as in the entire territory of Sudan, are expedited. It is urgent to stop ethnically motivated violence.

Access to humanitarian assistance for population in desperate need is essential. Urgent safe passage is necessary for civilians wishing to flee El Fasher. All possible attention and support for displaced populations in Sudan and in the region is imperative.

Even more tragically, this violence is not new.

In Darfur, the same groups of people were targeted on the basis of their ethnicity, twenty years ago. In Chad, I saw the refugee camps they escaped to, side by side, one camp twenty years old and the other camp just some months old.

The conflict has exacerbated the pre-existing ethnic divisions, encouraging more ethnically-tribally motivated killings, particularly in Darfur.

The motives or incentives to attack remain, hate speech and incitement to violence is prevalent, violence against women and children is used as a tool of terror. The warring parties maintain their financial capacities to engage in fight rather than in dialogue, allegedly with support from outside the country. The security vacuum has widened, and the warring parties are exploiting it to further advance identity-based mobilization and recruitment campaigns. Decades of engagement aimed at building real and lasting peace and security in Sudan, already challenged by periodic cycles of conflict, have been set back dramatically in this close to two years of vicious and inexcusable violence.

Perpetrators of past violence have largely not been held accountable. Impunity for serious violations of international human rights, of genocide and related crimes, or of their incitement, constitutes a risk factor for the commission of further crimes. The absence of accountability for genocide and related crimes perpetrated in Darfur twenty years ago is contributing to the current episodes of horror.

It remains imperative that accountability for such crimes is ensured. Perpetrators should be brought before competent courts with jurisdiction and held accountable in order to break the cycle of impunity and violence.

Likewise, it is important that venues for accountability for the crimes being committed at the moment, not only in Darfur but in the entire territory of Sudan, are identified, promoted and documented. This includes by supporting the work of those who are documenting what is happening.

In my statements, I have asked you, the United Nations Security Council, as well as the African Union and the Intergovernmental Authority on Development, to continue considering all available tools within the respective peace and security architectures to urgently protect civilian populations and to create a conducive environment for a peaceful and durable resolution of the conflict, including expediting opportunities for coordinated dialogue and in a concerted manner. Ongoing efforts, also including the League of Arab States, must persevere with the aim of ending the fighting and suffering of the people of Sudan.

Indeed, only warring parties can stop the fighting, but the international community remains responsible to take action to protect the Sudanese people from genocide. This Council has a special responsibility to consider measures in accordance with the gravity of the situation we are facing.

Seventy-five years after the adoption of the 1948 Convention for the Prevention and Punishment of the Crime of genocide, the human rights and humanitarian catastrophe unfolding in Sudan constitutes a blight on our collective conscience. It also contravenes the very essence of the international obligations to prevent and punish the crime of crimes, as enshrined by the Convention.

The protection of civilians in Sudan cannot wait. The risk of genocide exists in Sudan. It is real and it is growing, every single day.

Thank you very much.