

Opening remarks by Special Adviser Nderitu at the African Union, Peace and Security Council PSC: *Open Session on Prevention of the Ideology of Hate, Genocide and Hate Crimes in Africa*

6 April 2023

Excellency Chairperson,

Excellencies Members of the Peace and Security Council,

Ladies and gentlemen,

I speak with much humility, first and foremost, and pay tribute to all those living and all those whose memory we have an obligation to preserve, who have been subject to the commission of the most heinous of crimes, genocide.

We gather here today, in a year that marks 75 years since the General Assembly codified for the first time, as an international crime, the *1948 Convention on the Prevention and Punishment of the Crime of Genocide*, adopted unanimously as the first human rights treaty by the UN. The Conventions preamble recognizes that “at all periods of history genocide has inflicted great losses on humanity” and that international cooperation is required to “liberate humankind from such an odious scourge.” **Article I** of the Convention **states that** genocide, whether committed in time of peace or in time of war, is a crime under international law.

Today we mark, here in the AU and UN headquarters worldwide, 29 years since the 1994 genocide against the Tutsi in Rwanda. On 26th January 2018, the General Assembly adopted a decision designating 7th April as the International Day of Reflection on the Genocide against the Tutsi in Rwanda, recalling also that those who opposed the Genocide, including the Hutu were killed. There is a reason why this genocide is named so – as the Genocide against the Tutsi in Rwanda.

Article II of the Convention defines “genocide as “acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group” by killing members of the group, causing them serious bodily or mental harm, creating conditions calculated to bring about their physical destruction, preventing births or forcibly transferring children to another group.” The crime of Genocide may only be found where these acts are committed with intention. To prove a genocide has happened, one must prove intent in a court of law. Genocides are planned. They are not unexpected; they are not spontaneous. They are intended. There was intent, demonstrated in clear plans, to destroy in whole or in part – the Tutsi.

The failure of the international community to prevent and respond to the genocide perpetrated against the Tutsi in Rwanda with the intention to systematically annihilate them remains a stain on our consciousness. I say this yet I know that it is not possible to look at news without confirming the fact of humankind continuing to perpetrate atrocities globally. Yet this is why this commemoration is so important as not only must we remember the horrifying instances of past

genocides, but we must also draw lessons for the present and future and continuously express commitment to prevent them from happening in future.

At the United Nations, the genocide against the Tutsi in Rwanda in 1994 and the Srebrenica genocide in 1995, prompted the creation by the late Secretary-General Kofi Annan of the global mandate I hold, as the Special Adviser on the Prevention of Genocide, to detect early warning signs of this crime and take timely action to prevent it. It also prompted the adoption by Member States of the Responsibility to Protect principle at the 2005 World Summit, reiterating their responsibility to protect populations at risk of genocide, war crimes, crimes against humanity and ethnic cleansing, in line with the UN Charter.

The African Union and its Constitutive Act, together with its other structures creates a framework for upholding the commitment of ‘never again’ and ensuring the prevention of genocide and other atrocity crimes.

My Office is grateful to have worked with the African Union to integrate risk factors for genocide, war crimes, ethnic cleansing, and crimes against humanity by the African Union Commission in its Continental Early Warning System, the regional economic communities and in Member States initiating national legislation to prevent genocide.

This year we are also celebrating the fact of the Republic of Zambia recently becoming party to the Genocide Convention on 20 April 2022 with the Convention successfully entering into force on 19 July 2022 following the deposit of the instrument of accession. Zambia, in September 2022, also set up a National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all Forms of Discrimination. We now have 153 countries that have ratified this Convention and encourage those who haven’t to do so.

Excellencies,

The topics of today’s session, on ideology of hate, genocide and hate crimes is particularly close to my mandate and something that I have made a priority since taking up this role in 2020.

Despite various international court processes such as the Nuremberg Trials, International Criminal Tribunal in the Former Yugoslavia and the International Criminal Tribunal for Rwanda having proved, repeatedly, conclusively, in lengthy legal processes, that the Holocaust happened, and that Genocides happened to the Tutsi in Rwanda and to Bosniak Muslims in Srebrenica, revisionists and genocide deniers continue to ignore judicial decisions. These courts of law did not simply clarify the law of genocide, they also facilitated the broader recognition of this crime. Indeed, we owe these courts the development of international law on genocides. The International Residual Mechanism for Criminal Tribunals, continuing the ICTY and ICTR’s jurisdiction, and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia, a UN-assisted tribunal, also have jurisdiction over genocide as defined in the Convention. Some States have also criminalized genocide in domestic law.

The country of Gambia also brought a case against Myanmar at the International Court of Justice regarding the 2017 violence against the Rohingya Muslims, by utilizing the provisions of the Genocide Convention and the mandate of the ICJ to settle disputes related to it.

Denial or distorting the facts of the Holocaust, and the genocides against the Tutsi in Rwanda and in Srebrenica, Bosnia-Herzegovina is an extreme form of hate speech that could itself constitute preparation for another genocide. Let us not forget that these revisionists and deniers are often diverting attention with these claims from their own responsibility in these crimes and that many perpetrators of these genocides including those who planned, ordered, and committed them, remain at large even as their victims and survivors wait for justice.

To this end, last year, my Office, in partnership with the Jacob Blaustein Institute published a policy paper, *Combating Holocaust and Genocide Denial, Protecting Survivors, Preserving Memory and Promoting Prevention*, pointing out that denial of past atrocity crimes is a warning sign of societal fragility and of the potential for violence.

In 2019 Secretary-General Antonio Guterres launched a UN Strategy on tackling hate speech, for which my Office is the global focal point. We counter and address hate speech closely with Member States, UN Country Teams, and peace missions as well as with regional organizations, civil society, and the private sector, including social media companies.

In understanding genocide ideology, we must remember that to kill a million people as happened in Rwanda in 1994, many perpetrators are required. We must also remember that those who carried out the killings, were ordinary people. They were tailors, teachers, neighbors, people the victims knew. Genocide deniers and revisionists know this – and with their false narratives, they seek to subordinate individual thinking to collective think of “we” versus “them.” They make the “we” believe they have a duty to get rid of the “them” and indeed, years ago when I interviewed a perpetrator in Rwanda, he referred to the killings they carried out as “work”, “Hio kazi ya kuuwa watu ilikuwa ngumu – ilichosha! “The work of killing people was hard – it was exhausting!” he said to me in Kiswahili. Hate speech is crucial in informing genocide ideology and the mind of a human being to consider killing another human being as work.

The Genocide against the Tutsi in Rwanda was made possible because hate speech against the Tutsi was commonplace and taken for granted. When the call to kill went out, it was driven by the fact that hate speech against the Tutsi was so prevalent in Rwanda. Hate speech made it easy for ordinary people to respond and kill unarmed men, women, children, and old people – people who posed no threat to them and whose only crime was the identity they held as Tutsi or as Hutu who opposed the Genocide.

Hate speech then as now results in hate crimes, discrimination, and violence. Hate speech is an indicator of risk and a trigger of atrocity crimes, in particular genocide as I have just explained. Hate speech was present before, during and after the Holocaust, in Cambodia and in the Former Yugoslavia.

Hate speech feeds xenophobia, racism, anti-religious hatred, and gender-based hatred, and is spreading at a speed never seen due to social media.

Excellencies,

My Office has worked closely with the African Union since its establishment. I look forward to continuing this strong cooperation, and to identify new areas of collaboration on prevention of genocide ideologies. I have come to listen and strengthen what we can do together.

We must also all act to counter hate speech and other divisive narratives, while upholding fundamental rights and freedoms, in particular free speech. We must prioritize the preservation of the evidence of the genocide against the Tutsi in Rwanda committed with full intent in 1994.

We still require huge amounts of political will, education, advocacy and above all research into discriminatory practices that could lead to genocide. My Office has a Plan of Action for Religious Leaders and Actors on their role in preventing incitement to violence, the “Fez Plan of Action” that could lead to atrocity crimes. We are developing a similar Plan of Action for Traditional Leaders and already had our first meeting in Abuja, Nigeria. We have another one coming up that represents promoting women’s rights to prevent atrocity crimes which will be launched later this year.

We are working with academic communities in Africa and had our first meeting in Dakar, Senegal to put together African knowledge on the prevention of atrocity crimes that includes promoting curriculums.

Preventing genocide requires our constant engagement and vigilance. To the victims and survivors, I have this to say to you. We are here. We continue to do everything possible to ensure the world does not forget the crime of genocide against the Tutsi in Rwanda, we support peace and reconciliation initiatives.

You can always count on the support and partnership of my Office.

Thank you.