

Atrocity Prevention and the UN Human Rights Council's 51st Session

The 51st regular session of the UN Human Rights Council (HRC) was held in Geneva between 12 September and 7 October 2022. As the primary international human rights body, the HRC has the capacity to prevent and respond to mass atrocity crimes, as systematic violations and abuses of human rights can be an indicator of potential genocide, war crimes, crimes against humanity or ethnic cleansing. The summary below highlights major outcomes and relevant dialogues from the 51st session as they relate to the Responsibility to Protect (R2P), atrocity prevention and populations at risk of atrocity crimes. During the session, Luxembourg delivered two statements on behalf of the [Group of Friends of R2P](#).

MASS ATROCITY SITUATIONS AND THE HRC

RESOLUTIONS

Afghanistan

During an Interactive Dialogue on 12 September, the Special Rapporteur on the situation of human rights in [Afghanistan](#), Richard Bennett, presented his latest report to the HRC, warning about ongoing serious human rights violations and abuses since the Taliban takeover on 15 August 2021. That same day an Enhanced Interactive Dialogue was held, focusing on the situation of human rights of women and girls in Afghanistan. The Special Rapporteur highlighted the systematic exclusion of women and girls from public and political life and emphasized that all forms of gender justice are warranted, including further exploration of the concept of gender apartheid. In his report dated 9 September, the Special Rapporteur warned that frequent attacks, as well as the historical persecution of Hazaras and other minorities, appear to be systematic in nature and reflect elements of an organizational policy, bearing hallmarks of international crimes, including crimes against humanity. The Special Rapporteur also drew attention to ongoing arbitrary arrests and detention, ill-treatment and extrajudicial killings perpetrated by the Taliban de facto authorities. On 7 October the HRC adopted a resolution with 29 votes in favor, 3 against and 15 abstentions, extending the mandate of the Special Rapporteur for one year. The resolution adds a child's rights perspective to the Special Rapporteur's mandate, as well as the responsibility to document and preserve information relating to human rights violations and abuses. The resolution also requests the Special Rapporteur and the Working Group on discrimination against women and girls to jointly prepare a report on the situation of women and girls in Afghanistan for the 53rd session of the HRC.

Burundi

In a report from 13 September, the Special Rapporteur on the situation of human rights in [Burundi](#), Fortuné Gaetan Zongo, highlighted that the Burundian state has the responsibility to protect all people on its territory and recalled findings by the Commission of Inquiry (CoI) on Burundi regarding human rights violations perpetrated since April 2015, some of which may constitute crimes against humanity. The Special Rapporteur also reiterated his request to the government to grant him access to the country and cooperate with his mandate. During an Interactive Dialogue on 22 September, the Special Rapporteur presented his report to the HRC, and, in line with the findings of the CoI, warned that since 2015 there have been serious violations of human rights in Burundi, particularly violations of the rights to liberty and security of the person, to life and to physical integrity, as well as arbitrary arrests and enforced disappearances. According to the Special Rapporteur, selective impunity regarding the prosecution of alleged perpetrators of serious violations remains notable, and, despite the commitments and measures taken by the Burundian government, the human rights situation has not changed in a substantial way. A [joint NGO letter](#) from 18 August called upon the HRC to ensure ongoing public reporting and monitoring of the situation of human rights in Burundi. On 7

October the HRC adopted a resolution to renew the mandate of the Special Rapporteur for a period of one year and requested the Special Rapporteur to present an oral update at the HRC's 53rd session, as well as a written report at the HRC's 54th session. The resolution was adopted by a vote of 22 in favor, 12 against and 13 abstentions, and stressed “the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population.”

Central African Republic

During an Interactive Dialogue on 5 October, the Independent Expert on the situation of human rights in the [Central African Republic](#) (CAR), Yao Agbetse, presented his latest report to the HRC, noting that the security situation in the country remains volatile and marked by large-scale killings that have targeted civilians, particularly ethnic minorities, the recruitment of child soldiers and sexual and gender-based violence. In the report dated 22 August, the Independent Expert warned that since April there has been a resurgence in attacks by armed groups, who have perpetrated atrocities against civilians, while ongoing insecurity has impeded the necessary reforms for the protection and promotion of human rights. He also stressed that the training for the defense and security forces must further emphasize human rights and appropriate conduct toward the civilian population. The Independent Expert condemned hate speech, incitement to violence, misinformation and disinformation, which has proliferated in the media and on social networks and called upon the government to take steps to combat and prevent hate speech. The Independent Expert requested that the international community provide additional support and resources to the Truth Reconciliation and Justice Commission and the Special Criminal Court to ensure that these mechanisms can effectively carry out their mandates. On 7 October the HRC adopted a resolution without a vote, which renewed the mandate of the Independent Expert for a period of one year. The resolution called for a high-level dialogue to assess human rights developments, with a particular focus on the situation of children, at the HRC's 52nd session. The resolution also called for the Independent Expert to provide an oral update at the HRC's 53rd session and to submit a written report at the 54th session.

Democratic Republic of the Congo

During an Enhanced Interactive Dialogue on the situation of human rights in the [Democratic Republic of the Congo](#) (DRC) from 4-5 October, the HRC considered the reports of the High Commissioner for Human Rights from 10 August and the International Team of Experts (IToE) on the DRC from 18 August. Christian Salazar Volkmann, Director of the Field Operations and Technical Cooperation Division at the Office of the High Commissioner for Human Rights (OHCHR), stressed that the fragile security situation, particularly in the eastern provinces where military rule has remained in place since May 2021, “breeds violations and abuses of human rights and fundamental freedoms.” He noted that attacks against civilians, humanitarian workers, and the UN by armed groups – notably the Allied Democratic Forces, Cooperative for the Development of Congo and the March 23 Movement – may constitute serious crimes under international law. The IToE and OHCHR highlighted that the conflicts in the country are fueled by impunity. The IToE, OHCHR and the Special Representative of the Secretary-General in the DRC, Bintou Keita, condemned the proliferation of hate speech that has incited violence and discrimination, particularly in relation to armed conflict in the eastern provinces, political competition and inter-communal tensions around the country. On 7 October the HRC adopted a resolution without a vote, which extends the mandate of the IToE for a period of one year and requests the Team to provide the necessary technical support to the Congolese government in its implementation of the national strategy on transitional justice. The resolution called for the IToE and the High Commissioner for Human Rights to provide an oral update at the HRC's 52nd session during an Enhanced Interactive Dialogue. The resolution also requested a final report by the IToE and that the High Commissioner prepare and present a comprehensive report on the human rights situation in the DRC at an Enhanced Interactive Dialogue at the HRC's 54th session.

Ethiopia

During an Interactive Dialogue on 22 September, the International Commission of Human Rights Experts on [Ethiopia](#) (ICHREE) presented evidence regarding ongoing violations and abuses of human rights that may amount to war crimes and crimes against humanity perpetrated during the conflict in northern Ethiopia. In their first written report, issued on 19 September, the ICHREE detailed the widespread commission of attacks against civilian populations in the Tigray region by Ethiopian Federal Forces, Amhara Fano militias and Eritrean forces, and in the Amhara region by the Tigrayan Defense Forces, as well as attacks on displacement camps that amount to war crimes. The Commissioners also found evidence that the Ethiopian federal government's intentional blockade of humanitarian aid may amount to a crime against humanity. The ICHREE also noted areas in need of further investigation in lieu of their limited operating time, including reports of arbitrary detentions and sexual and gender-based violence, as well as the situation in the Afar region. Utilizing the UN Framework for Analysis of Atrocity Crimes, the ICHREE also warned that many risk factors

for atrocities are present throughout Ethiopia, including widespread hate speech and politicization of identity. On 7 October the HRC adopted a resolution extending the mandate of the ICHREE for a period of one year by a vote of 21 in favor, 19 against and 7 abstentions.

Russian Federation

On 7 October the HRC adopted a resolution establishing a Special Rapporteur on the situation of human rights in the Russian Federation for one year. This is the first time a human rights mechanism has been established for a permanent member of the UN Security Council. The resolution noted the significant deterioration of the situation of human rights in the Russian Federation, in particular the severe restrictions on the rights to freedoms of opinion and expression and the systematic crackdown on civil society organizations and human rights defenders, journalists and more, including mass arbitrary arrests and detentions. The resolution particularly noted the risk of gender-based threats to women human rights defenders and the extrajudicial killing of government critics. The resolution was adopted by a vote of 17 in favor, 6 against and 24 abstentions.

Somalia

During an Interactive Dialogue on 5 October, the Independent Expert on the situation of Human Rights in [Somalia](#), Isha Dyfan, highlighted how the historic drought in the Horn of Africa continues to exacerbate an already dire humanitarian situation. She emphasized that the major challenge to peace and state building in Somalia continued to be the long-running armed conflict and its heavy toll on civilians. In her report, dated 19 August, the Independent Expert concluded that she had not observed any significant progress in establishing new policy, institutions or legal frameworks for the protection of human rights in Somalia as the federal government continued to lack the capacity to protect civilians. On 7 October the HRC adopted a resolution without a vote to extend the mandate of the Independent Expert for one year.

Sri Lanka

In a comprehensive report dated 4 October, the UN High Commissioner for Human Rights warned that the Sri Lankan state, including through successive governments, has consistently failed to pursue an effective transitional justice process to hold perpetrators of gross human rights violations and abuses accountable and uphold victims' rights to truth, justice and reparations. The report also noted that authorities have actively promoted and incorporated some military officials credibly implicated in alleged war crimes into the highest levels of government. According to the report, without an effective vetting process and comprehensive reforms in the security sector, serious human rights violations and atrocity crimes risk being repeated. During an Interactive Dialogue on 12 September, Nada Al-Nashif, acting High Commissioner for Human Rights, warned that continued monitoring and pursuing accountability is now more important than ever. On 6 October the HRC adopted a resolution requesting OHCHR enhance its monitoring and reporting on the situation of human rights and on the impact of the economic crisis and corruption on human rights in Sri Lanka. The resolution mandated OHCHR to present an oral update to the HRC at its 53rd and 55th sessions, a written update at its 54th session and a comprehensive report that includes further options for advancing accountability at its 57th session. The resolution was adopted by a vote of 20 in favor, 7 against and 20 abstentions.

Syria

During an Interactive Dialogue on 22 September, the Independent International CoI on [Syria](#) highlighted ongoing hostilities across the country, including the targeting of civilians and civilian infrastructure. The CoI drew attention to systematic torture and ill-treatment in detention, enforced disappearances in government-controlled areas and of the risk of a return to larger-scale fighting. On 7 October the HRC adopted a resolution with 25 votes in favor, 6 against and 16 abstentions, which deplored that the civilian population continues to bear the brunt of the conflict and that civilians – and objects indispensable to their survival – continue to be the targets of deliberate and indiscriminate attacks. The resolution further expressed grave concern about the increase in violence, civilian casualties and attacks on civilian infrastructure, demanded that all parties comply with obligations under international law and emphasized the need to ensure that all those responsible for violations and abuses are held accountable. In addition to welcoming the work of the Commission, the resolution also welcomed the findings of the Secretary-General in his report on how to bolster efforts to clarify the fate of missing people in Syria. The resolution also demanded that the Syrian government meets its responsibility to protect its populations.

Venezuela

In a report dated 20 September, the Independent International Fact-Finding Mission (FFM) on [Venezuela](#) implicated President Nicolás Maduro, as well as other high-level individuals, in potential crimes against humanity. The FFM investigated chains of command within the Directorate General of Military Counterintelligence and the Bolivarian National Intelligence Service, finding that both institutions “function as well-coordinated and effective structures in the implementation of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity.” In a second detailed Conference Room Paper, also issued on 20 September, the FFM warned of ongoing serious human rights violations and abuses in Venezuela’s gold mining region, Arco Minero del Orinoco, where state agents and armed criminal groups have allegedly committed killings, sexual and gender-based violence, torture, corporal punishment and disappearances, including against indigenous populations. During an Interactive Dialogue on 26 September, the FFM confirmed that the Venezuelan government continues to refuse to cooperate with, or grant access to, the FFM. On 17 August, the Global Centre, together with 124 Venezuelan and international civil society organizations, [urged the HRC](#) to ensure continued investigations, monitoring and reporting on the situation of human rights in Venezuela, in particular ahead of scheduled elections in 2024 and 2025.

On 7 October, under the leadership of Brazil, Canada, Chile, Ecuador, Guatemala and Paraguay, the HRC adopted a resolution extending the mandate of the FFM, as well as investigations by OHCHR, for a period of two years. The resolution was adopted by a vote of 19 in favor, 5 against and 23 abstentions, and requested the FFM to present oral updates to the HRC during Interactive Dialogues at its 52nd and 55th session, as well as a written report at its 54th and 57th session. The resolution furthermore requested OHCHR to continue to monitor, report on and provide technical cooperation, including through oral updates at the HRC’s 52nd and 55th sessions, as well as to submit a detailed written report containing a detailed assessment of the implementation of the recommendations made in previous reports at the HRC’s 53rd and 56th sessions.

Yemen

During an oral update on 5 October, OHCHR emphasized that apart from the efforts of the National Commission of Inquiry to Investigate Alleged Violations of Human Rights, efforts toward accountability and reparations for victims of violations in [Yemen](#) remain essentially nonexistent, particularly in light of the discontinuation of the mandate of the Group of Eminent Experts on Yemen at the HRC’s 48th session. On 7 October the HRC adopted a resolution without a vote on technical assistance and capacity-building for Yemen in the field of human rights, including support for the National Commission of Inquiry. Despite advocacy by national and international NGOs, this resolution fell short of establishing a new mechanism or enhancing appropriate efforts for accountability for mass atrocity crimes in Yemen.

ADDITIONAL INTERACTIVE DIALOGUES AND REPORTS

China

On 31 August former UN High Commissioner for Human Rights, Michelle Bachelet, released her long-awaited report on human rights in China’s northwestern [Xinjiang Uyghur Autonomous Region](#) (XUAR). The report determined that the extent of arbitrary and discriminatory detention of Uyghurs and others in XUAR may constitute crimes against humanity, and that conditions remain in place for serious violations to continue. On 6 October a core group of states, composed of the United States, United Kingdom, Canada, Norway, Sweden, Finland, Iceland, Denmark, Australia and Lithuania, introduced a draft decision calling for the HRC to debate the High Commissioner’s report on XUAR at the HRC’s 52nd session. The item was rejected by a vote of 17 in favor, 19 against and 11 abstentions. It was the first time the HRC considered a decision on China.

Myanmar (Burma)

On 12 September Nicholas Koumjian, Head of the UN Independent Investigative Mechanism for Myanmar (IIMM), presented the IIMM’s fourth annual report on [Myanmar](#) to the HRC. Between June 2021 and June 2022, the IIMM found that “the scope of potential international crimes taking place in Myanmar has broadened dramatically,” with evidence indicating that the military continues to commit war crimes, as well as the crimes against humanity of murder, torture, deportation and forcible transfer, rape and other forms of sexual violence, persecution and imprisonment. In an Interactive Dialogue on 21 September, the UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, delivered an oral update to the HRC in which he deplored the international community’s failure to respond substantially and effectively to the crisis in Myanmar and urged individual states to coordinate their responses to the crisis in the absence of UN Security Council action. The Special Rapporteur highlighted that Myanmar’s military

continues to commit war crimes and crimes against humanity. On 22 September acting High Commissioner Al-Nashif presented OHCHR's report (issued on 7 September) on the remaining challenges to implementing the recommendations of the Independent International FFM on Myanmar regarding the military's economic interests, pursuant to resolution 46/21. The presentation was followed by an Interactive Dialogue. On 26 September acting High Commissioner Al-Nashif provided an oral update on the crisis in Myanmar, during which she expressed concern about the deteriorating situation in the country, which is being exacerbated by the rising risk of starvation and the military blocking humanitarian access.

The Philippines

During an Enhanced Interactive Dialogue on 5 October, acting High Commissioner Al-Nashif presented evidence from the High Commissioner's new report on the progress and results of technical cooperation and capacity building for the promotion and protection of human rights in the [Philippines](#). The report, dated 6 September, detailed that since October 2020 the Philippine government had taken some steps to pursue accountability for human rights violations and abuses, but access to justice for many victims remained out of reach due to limitations in investigative capacity, lack of cooperation between agencies and protracted judicial processes. Victims and their families also faced fears of reprisal attacks for seeking justice. The report also found that despite the government's figures reflecting a decrease in drug-related killings, OHCHR continued to receive allegations of unlawful killings by the Philippines National Police. While the report urged the HRC to continue to closely monitor the situation, HRC members did not move to create a new resolution extending the reporting requirements.

South Sudan

During an Interactive Dialogue on the oral update on technical assistance and capacity-building for [South Sudan](#) on 4 October, Christian Salazar Volkmann, OHCHR's Director of Field Operations and Technical Cooperation Division, updated the HRC on ongoing activities undertaken by the Human Rights Division of the UN Mission in South Sudan. These activities, including capacity building, sensitization and training on International Human Rights Law (IHRL), International Humanitarian Law (IHL) and conflict-related sexual violence, all contribute to strengthening the human rights architecture of the country. Despite an overall decrease in violence, OHCHR expressed concern about the continued high levels of localized conflicts and increased conflict-related sexual violence.

Ukraine

On 23 September the CoI on [Ukraine](#) provided an oral update to the HRC that was followed by an Interactive Dialogue. In their oral update, the CoI stated that they found evidence of war crimes committed against the civilian population, including indiscriminate attacks, torture and sexual and gender-based violence, in the Kyiv, Chernihiv, Kharkiv and Sumy regions. Additionally, during an oral update on 4 October on the situation in Ukraine, Christian Salazar Volkmann, OHCHR's Director of the Field Operations and Technical Cooperation Division, presented the report of the High Commissioner on the situation in Ukraine from 1 February to 31 July 2022. In the report the UN Human Rights Monitoring Mission in Ukraine documented widespread destruction and devastation due to Russia's invasion of Ukraine on 24 February. Abuses included enforced disappearances, torture and ill treatment by Russian forces – and on a lesser scale by Ukrainian forces – and shootings of civilians fleeing violence.

RELEVANT THEMATIC AREAS

RESOLUTIONS

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

In a report from 5 July, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination released a report on "Access to justice, accountability and remedies for victims of mercenaries, mercenary-related actors and private military and security companies," warning of the ever-increasing presence of mercenaries and mercenary-related actors in contemporary armed conflicts. The report highlighted that violations perpetrated by mercenaries, mercenary-related actors and private military and security companies may amount to war crimes or crimes against humanity. Since states have legal obligations regarding accountability for such crimes, including the duty to investigate, prosecute or extradite, there are many tools through which they can seek justice for the actions of mercenaries, including prosecution under universal jurisdiction. On 6

October the HRC adopted a resolution by a vote of 28 in favor, 15 against and 4 abstentions that extended the mandate of the Working Group for a period of three years.

Contemporary forms of slavery, including its causes and consequences

In a report from 19 July, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, highlighted that minority women and girls in the Tigray, Amhara and Afar regions of Ethiopia have been subjected to rape, sexual mutilation and other forms of sexual violence by parties to the armed conflict, and that these human rights violations appear to have been used as part of a deliberate strategy to terrorize, degrade and humiliate the victims and their ethnic minority group with the acquiescence of the state and non-state-actor parties to the conflict. The Special Rapporteur also warned that Rohingya women in Myanmar have been subjected to systematic sexual violence by the country's security forces, which may be regarded as war crimes or crimes against humanity. On 6 October the HRC adopted a resolution by consensus, extending the mandate of the Special Rapporteur for a period of three years.

Human rights and transitional justice

On 7 October the HRC adopted a resolution on human rights and transitional justice, which affirmed that impunity for gross violations and abuses of human rights and serious violations of IHL, including genocide, war crimes, ethnic cleansing and crimes against humanity, encourages their recurrence and is an obstacle to sustainable peace at the national level. The resolution recognized the fundamental role of civil society in preventing genocide, war crimes, ethnic cleansing and crimes against humanity, or in addressing their legacy by promoting the right to the truth, justice, reparation and guarantees of non-recurrence. The resolution requested that OHCHR prepare a report on lessons learned and good practices of transitional justice in the context of sustaining peace and of sustainable development, notably Sustainable Development Goal 16, and to present it to the HRC at its 58th session during an Enhanced Interactive Dialogue. The resolution also recognized that states have “the primary responsibility for the promotion and protection of all human rights, including the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” The resolution was adopted by consensus.

ADDITIONAL INTERACTIVE DIALOGUES AND REPORTS

Impact of arm transfers on human rights

In a report from 16 September on the impact of arms transfers on human rights, the High Commissioner for Human Rights reiterated the human rights framework for due diligence, confirming that a state that transfers arms with knowledge that the arms will aid or assist another state in committing a serious violation of IHRL, including violations that may amount to crimes against humanity, may itself be held responsible for failing to exercise due diligence by taking the necessary preventive measures. The report also highlighted that under article 11 of the Arms Trade Treaty, a state party shall not authorize any transfer of conventional arms when the state party has knowledge, at the time of authorization, that the arms would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party.

Enforced or involuntary disappearances

In a report from 12 August, the Working Group on Enforced or Involuntary Disappearances expressed serious alarm about the report of the IIMM, which indicated that crimes against humanity falling within the mandate of the mechanism, including enforced disappearance, have likely been committed in Myanmar. In a separate report from 31 August on the “Thirtieth Anniversary of the Declaration on the Protection of All Persons from Enforced Disappearances,” the Working Group recalled that Article 17 of the Declaration establishes that statutes of limitations relating to acts of enforced disappearance cannot be applied in cases amounting to crimes against humanity. Additionally, enforced disappearance amounting to crimes against humanity can never be subjected to amnesties or similar measures. The Working Group also referred to the International Criminal Tribunal for the former Yugoslavia (ICTY), which acknowledged the Declaration as one of the texts that identifies the “set of basic rights appertaining to human beings, the infringement of which, depending on the circumstances, may amount to crimes against humanity.

Promotion of truth, justice, reparation and guarantees of non-recurrence

In a report from 12 July on “the role and responsibilities of non-state actors in transitional justice processes,” the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabián Salvioli,

highlighted that criminal trials have been held in France, the Netherlands and Sweden against corporations' executives for their complicity in war crimes in Liberia, Sudan and the Syrian Arab Republic under the principle of universal jurisdiction. The Special Rapporteur also referred to an academic study that had established a database of domestic criminal prosecutions for corporate violations of human rights, which included successful prosecutions of senior officials in the Ford company over corporate participation in crimes against humanity in Argentina. The report further noted that a central tenet in the evolution of international criminal law is that a member of a non-state armed group can be held individually responsible for the commission of international crimes, including war crimes, crimes against humanity and genocide. For example, in 2021, Special Jurisdiction for Peace in Colombia indicted eight FARC-EP leaders for war crimes and crimes against humanity. The Special Rapporteur also recalled amnesties are impermissible if they prevent prosecutions of those responsible for war crimes, genocide, crimes against humanity or gross violations of human rights, interfere with a victim's right to an effective remedy, including reparations, or restrict a victim's or societies' right to know the truth about human rights or IHL violations.

In a separate report on his visit to Croatia from 19 July, the Special Rapporteur noted that Croatia lacks a complete mapping of war crimes and a full overview of the human losses experienced during its armed conflict, which requires further attention from the government, as this information forms an essential part of any transitional justice strategy aimed at preserving a reliable account of the harm suffered by victims and the circumstances surrounding war crimes. The Special Rapporteur also noted that such information is vital to ensure the transmission of accurate records of those violations to future generations, with a view of preventing their recurrence. The Special Rapporteur recommended to the government of Croatia to provide the judiciary with continued financial, material and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions of war crimes, crimes against humanity and international crimes.

In his 8 July report on his visit to Bosnia and Herzegovina, the Special Rapporteur documented that despite efforts to develop and improve the legal and institutional framework, several factors continue to negatively affect war crimes prosecutions and delay progress in the country. These include political obstacles, the multilevel legal and judicial framework applicable to war crimes, insufficient human and material resources and the limited availability of evidence and witnesses. He also expressed his alarm at the concerning instances of denial of atrocity crimes, the rejection or relativization of war crimes rulings of the ICTY and national courts, and the glorification of convicted war criminals. In parallel, there is a worrying sustained trend of hate speech based on ethnic or associated religious grounds. The Special Rapporteur also reported of a highly charged and volatile environment in different parts of the country and in various sectors of society, particularly in towns where some of the most terrible war crimes had been committed, such as Prijedor and Foča. In some areas, there are distressing fears of a resumption of violence and extremism. The Special Rapporteur recommended to the government of Bosnia and Herzegovina to provide the judiciary with continued financial, material and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions of war crimes. He equally recommended to accelerate the processing of pending cases and ensure that all such crimes are prosecuted in a non-discriminatory manner, regardless of the ethnicity of the victim and the perpetrator, the circumstances in which the crimes were committed, or the jurisdiction where the trial takes place.

ANNEX 1 – Statement by the Group of Friends of the Responsibility to Protect re: Item 3 – Interactive Dialogue with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

16 September 2022

Mr. President,

I have the honor to deliver this statement on behalf of the Group of Friends of the Responsibility to Protect (R2P). A list of co-sponsors is available on the Extranet.

We thank the Special Rapporteur for his report on the role and responsibilities of non-state actors in transitional justice processes, which includes action-oriented gender sensitive and victim-centered recommendations for states and non-state actors.

The mandate of the Special Rapporteur is intrinsically linked to the Responsibility to Protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. By having regular dialogue with governments, identifying best practices and lessons learned, and by providing recommendations to strengthen the promotion of truth, justice, reparations and guarantees of non-recurrence, the Special Rapporteur plays a vital role in raising awareness of judicial and non-judicial measures that governments can and should take in the aftermath of atrocities.

Individual prosecutions of perpetrators, reparations for victims, truth-seeking and institutional reform contribute to seeking accountability and justice for atrocity crimes and other serious violations of international law. In addition, they may be instrumental in preventing the recurrence of atrocity crimes by building societal resilience, fostering reconciliation and healing, and restoring confidence in state institutions and the rule of law.

The majority of today's atrocity situations around the world include, directly or indirectly, a diverse set of actors who are involved in violations of international law. The Special Rapporteur's report on the role of corporations and businesses provides an important resource to better understand how the private sector may be involved in the design and implementation of policies leading to systematic violations and abuses of human rights. As highlighted in the report, a holistic assessment of actors benefitting from repression and violence is essential to effectively identify and address both economic and political drivers of conflict and atrocity crimes, can inform regulation for the private sector, and ensures that those responsible are held accountable, as appropriate, when complicit in the commission of atrocity crimes.

Today, the vast majority of conflicts are fought between governments and non-state armed groups, who often exercise effective control over territory and populations. In this regard, the Special Rapporteur's analysis on the role of non-state armed groups in reparation, memorialization and truth-seeking processes provides an important framework for the wider human rights community to better understand conflict and post-conflict dynamics and the role of various actors in contributing to accountability and redress for victims.

As such, we would like to ask the Special Rapporteur:

“In your report, you outline the role and responsibilities of non-state actors in relation to the commission of atrocity crimes and transitional justice processes and provide recommendations to governments and the private sector to ensure holistic accountability processes. How can the UN human rights system, including its mechanisms and procedures, strengthen measures to ensure that relevant actors adhere to their obligations under international law, and contribute to transitional justice processes?”

Thank you.

ANNEX 2 – Statement by the Group of Friends of the Responsibility to Protect re: General Debate under Item 3

21 September 2022

Mr. President,

I have the honor to deliver this statement on behalf of (members of) the GoF of R2P. A list of co-sponsors is available on the Extranet.

Our Group has continuously emphasized the crucial role of the HRC in the prevention of atrocity crimes, which are often a result of long-standing violations of civil, political, economic, social or cultural rights. Country situations discussed during sessions of the Council oftentimes already experience or are at imminent risk of such crimes. Therefore, in addition to early warning and prevention, the HRC plays a critical role in responding to ongoing crises.

In this regard, Special Procedures play a vital role in highlighting situations at risk and providing concrete recommendations to both concerned states and the wider international community on necessary preventative or mitigative action.

Special Sessions and Urgent Debates by the HRC to address human rights emergencies and put in place measures to prevent further escalation are, among others, important to react in a timely and decisive manner to protect the concerned population and to help mobilize further action by other mechanisms and bodies.

In addition, the Council has established a variety of investigative mechanisms that are often tasked with clarifying the facts and circumstances of systemic violations and abuses. The work of FFMs and CoIs has also often resulted in follow-up action, providing essential contributions to processes of justice, accountability, and redress.

We therefore call upon all parties to uphold their Responsibility to Protect, investigate all human rights violations and abuses with a view to ensure accountability and limit the risk of future atrocities, and to fully cooperate with the Council and its mechanisms to ensure the promotion and protection of all human rights.

Thank you.