

GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT

4 April 2023

Your Excellency,

In 2005 heads of state and government unanimously agreed on the responsibility of states to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. Under the Responsibility to Protect (R2P), it is the primary responsibility of each individual state to protect their own population and the responsibility of the international community to assist them in doing so. The Universal Periodic Review (UPR) of the UN Human Rights Council (HRC) can play an important role in assessing each country's institutional preparedness to protect human rights and prevent mass atrocities. During the 43rd session of the UPR working group, the Global Centre would therefore like to respectfully encourage you to provide all states that are under review with the following recommendations, where applicable:

- Expediently appoint an [R2P Focal Point](#) – a senior government official responsible for the promotion of mass atrocity prevention at the national, regional and international level;
- Sign, ratify and implement the core instruments of International Human Rights Law (IHRL) and International Humanitarian Law (IHL), including the Convention on the Prevention and Punishment of the Crime of Genocide, Additional Protocols I and II to the 1949 Geneva Conventions, Rome Statute of the International Criminal Court, Convention relating to the Status of Refugees and its 1967 Protocol, Arms Trade Treaty, and 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict;
- In keeping with R2P's Pillar II, request support from other states, as well as regional and international organizations, when risks exist that cannot be addressed by your state alone;
- Ensure that all national security forces respect human rights and IHL and fulfill their responsibility to protect all populations within the territory of your state, regardless of race, sex, nationality, ethnicity, religion, sexual orientation or any other status;
- Support accountability for atrocity crimes and all relevant institutions of international justice;
- Issue open invitations to HRC-mandated Special Procedures and fully cooperate with all other HRC mechanisms and procedures;
- Protect human rights defenders and the media, as well as the rights of civil society to operate freely, safely and independently.

In addition to these general recommendations, we respectfully ask you to consider the tailored recommendations provided below for Burundi, Israel, Mali and Serbia.

Burundi

According to the UN Commission of Inquiry (CoI) on Burundi, authorities in the country have committed possible crimes against humanity since at least April 2015,

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when late President Pierre Nkurunziza announced that he would seek a third presidential term. A failed coup and subsequent widespread protests and violence between 2015-2017 resulted in more than 1,200 people killed and 10,000 arbitrarily detained. Since then, the government of the ruling party, Conseil national pour la défense de la démocratie-Forces de défense de la démocratie, together with its youth wing, the Imbonerakure, has persecuted alleged government opponents and civil society activists. At the time of the mandate termination of the CoI in September 2020, structural risk factors for atrocity crimes remained in place, including arbitrary arrests of actual or alleged opponents, torture, enforced disappearances, sexual and gender-based violence and extrajudicial executions.

The UN Special Rapporteur on Burundi, Fortuné Gaetan Zongo, warned in his latest report in September 2022 that serious violations of human rights have been perpetrated in Burundi since 2015, 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 substantially improved. The Special Rapporteur also highlighted that the Burundian state has the responsibility to protect all people on its territory and recalled the findings by the CoI that crimes against humanity may have been perpetrated since April 2015. The Global Centre therefore urges you to include the following recommendations to Burundi during the UPR session on 4 May:

- Release all human rights defenders, journalists and political prisoners and engage in inclusive dialogue with civil society and opposition parties;
- Fully disarm and demobilize the Imbonerakure ahead of its next review in 2028;
- Initiate concrete steps to reform the country's police and security forces, as well as the National Intelligence Service, who have been identified as perpetrators of possible crimes against humanity, in line with recommendations by the CoI;
- Fully cooperate with, and grant unfettered access to, the Special Rapporteur on the situation of human rights in Burundi, and undertake meaningful steps to implement recommendations of report A/HRC/51/44;
- Also fully cooperate with, and grant unfettered access to, the Office of the UN High Commissioner for Human Rights (OHCHR), as well as the African Commission on Human and Peoples Rights;
- Ensure credible, transparent and independent investigations into alleged arbitrary detentions, torture, enforced disappearances, extrajudicial executions and any other violations of the rights to liberty and security of the person, to life and to physical integrity.

The Global Centre further respectfully encourages you to consider the following advanced question for the review of Burundi:

- Since its last review in 2018, what steps has the government of Burundi taken to address the structural risk factors of atrocity crimes outlined by the CoI, and reiterated by the Special Rapporteur on Burundi, including accountability for possible crimes against humanity committed since 2015?

Israel

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been illegally occupied by Israel since 1967. The Israeli government has institutionalized systematic racial oppression through a two-tiered legal and political system that provides comprehensive rights for Jewish Israeli settlers while imposing military rule and control on Palestinians without any basic protections or rights under international law.

According to a March 2022 report by the UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT), Israel’s political system of entrenched rule in the OPT satisfies the prevailing evidentiary standard for the existence of the crime of apartheid. The Special Rapporteur previously determined in July 2021 that Israel’s 55-year occupation has been characterized by settlement expansion that aims to permanently alter the ethnic demographics of East Jerusalem and amounts to a war crime. Separately, the HRC-mandated CoI on the OPT, including East Jerusalem, and Israel concluded in June 2022 that continued occupation, as well as discrimination against Palestinians, are the key causes of recurrent instability and protraction of conflict in the region.

This ongoing coercive environment has prevented Palestinians from fulfilling their right to self-determination and other fundamental human rights. Israeli security forces perpetrate widespread attacks against Palestinians, particularly in occupied territory and often leading to deadly escalations, including regular disproportionate aerial bombardments of the blockaded Gaza Strip. Israel’s air, sea and land blockade of Gaza has been in place for over 15 years and has inflicted collective punishment on 2 million Palestinians, facilitating a humanitarian crisis. Israeli authorities periodically shut down the crossings into Gaza, preventing the flow of people, medical cases and essential commodities, including food.

The Global Centre therefore urges you to include the following recommendations to Israel during the UPR session on 9 May:

- Fully implement all recommendations, including those in previous reports, made by the UN Special Rapporteur on the situation of human rights in the OPT and by the CoI;
- Immediately lift the blockade on Gaza and cease illegal settlement-related activity and apartheid policies;
- Immediately end the occupation of Palestinian territory and collective punishment of Palestinians;

- Conduct credible and transparent investigations into the conduct of Israeli security forces in Palestinian neighborhoods in the Occupied West Bank, identify areas of misconduct that do not adhere to obligations under international law, and implement a timely plan of action to ensure all conduct of Israeli security forces align with international law;
- Fully cooperate with OHCHR, as well as all other HRC-mandated mechanisms and procedures, and issue open invitations to Special Procedures mandate holders requesting to visit the country;
- Ensure all civil society human rights defenders have safe and unfettered access to the region, including for monitoring alleged violations of international law.

The Global Centre further respectfully encourage you to consider the following advanced question for the review of Israel:

- What specific steps is Israel taking to protect and promote the fundamental rights of all Palestinians, including those in the occupied West Bank and Gaza Strip?

Mali

Violence and instability have been endemic in Mali for over a decade; however, since 2015 the crisis has shifted into inter-communal conflict and an insurgency by armed Islamist groups allied with Al-Qaeda and the so-called Islamic State. Populations across Mali are facing indiscriminate violence and escalating atrocities as a result of intensifying attacks by such groups. In the past year, the Islamic State Sahel Province has launched an unprecedented offensive in the regions of Gao and Ménaka, resulting in growing reports of murders, kidnappings, threats, rape and forced displacement. The UN Secretary-General-mandated CoI on Mali has previously implicated armed Islamist groups in crimes against humanity and war crimes.

In central Mali, civilian populations are also facing increasing violations of IHL and IHRL perpetrated during counterterrorism operations by the Malian Armed Forces (FAMa), as well as allied mercenaries from the Russian private military company Wagner Group and, at times, ethnic militias from the Dogon community. More than half of the civilians killed by FAMa or ethnic militias in 2022 were from the ethnic Fulani community. On 31 January a group of 14 UN Special Procedures called for an immediate investigation into possible war crimes and crimes against humanity committed by FAMa and Wagner operatives, including summary executions, mass graves, acts of torture, rape and sexual violence, pillaging, arbitrary detentions and enforced disappearances.

Impunity for past atrocities has enabled ongoing violence and allegations of serious human rights violations and abuses. Victims of the Wagner Group in particular face challenges in accessing justice and remedy for the human rights abuses. The lack of transparency and ambiguity over the Wagner Group's operations in Mali, combined with reprisals against those daring to speak out, have created a climate of fear.

In February 2023 the UN Independent Expert on the situation of human rights in Mali warned of continued shrinking civic space in the past year, as well as attacks on human rights defenders and civil society, including threats, intimidation and arbitrary arrests by state and non-state actors. Many human rights defenders and journalists have self-censored due to fear of reprisals. The UN High Commissioner for Human Rights and Independent Expert have urged Malian transitional authorities to ensure better respect for and protection of human rights defenders. The Global Centre therefore urges you to include the following recommendations to Mali during the UPR session on 2 May:

- Immediately end violations and abuses – some of which may amount to war crimes and crimes against humanity – and ensure FAMA and allied armed actors carry out operations in strict compliance with their obligations under IHL and IHRL;
- Guarantee a safe, respectful and enabling environment for human rights work, including better protection for human rights defenders and victims, as well as the rights to freedom of expression and association as recognized by the Malian constitution;
- Continue to implement initiatives aimed at reducing inter-communal tensions in central Mali, including mediation and inter-communal dialogues and so-called “peace dividend” projects supported by the UN peacekeeping mission (MINUSMA);
- Conduct credible and transparent investigations into alleged perpetrators of atrocity crimes, regardless of rank, affiliation or nationality, and provide regular public reports on government efforts to advance investigations;
- Ensure that MINUSMA can implement its mandate in a safe and unhindered manner, particularly human rights investigations;
- Cooperate with UN human rights mechanisms, including the Independent Expert on the situation of human rights in Mali and the Human Rights Division of MINUSMA, as well as national human rights mechanisms.

The Global Centre further respectfully encourages you to consider the following advanced question for the review of Mali:

- What additional actions will the transitional authorities implement in order to address longstanding grievances among marginalized communities, as well as foster the inclusion of minority groups to help prevent further ethnic-based attacks and recruitment into armed groups?

Serbia

From 1989-1999 the Federal Republic of Yugoslavia, which is now current day Serbia, was an active participant in discriminatory actions and conflicts across the region, resulting in atrocities, including ethnic cleansing and genocide in Bosnia and Herzegovina and Kosovo.

In October 2021 the Serbian government adopted a new five-year national strategy for the prosecution of war crimes. However, as of June 2022, Serbian prosecutions remain weak and the government had 1,731 war crime cases backlogged. Weak mechanisms for accountability and justice have hampered reconciliation efforts that could offer an opportunity to strengthen regional cooperation and give solace to the families of victims of genocide and other atrocity crimes committed in the 1990s.

Genocide denial, historical revisionism and the glorification of war criminals has been on the rise in Serbia in recent years. Convicted or suspected war criminals often participate in public events alongside government officials. President Aleksandar Vučić began his political career as the Minister of Information under Slobodan Milosevic during the conflicts.

The Republic of Kosovo was an autonomous region of Serbia until its independence in 2008, which has remained a source of tension as many Serbians believe that Kosovo is rightfully Serbian due to their historical and spiritual ties to the land. Efforts to normalize relations have failed thus far, which is contributing to growing regional tensions, including protests in Belgrade during February by Serb ultranationalist groups and others who used violent rhetoric and threatened riots should authorities agree to improve relations with Kosovo.

There are also grave human rights concerns over the treatment of minority groups, particularly the Roma people. In 2022 the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment documented credible allegations of discrimination, abuse, unlawful detainment and at times torture committed by the Serbian police against the Roma, often with impunity. There is also concern regarding the continued harassment, threats and violence against journalists who criticize government politics. The Global Centre therefore urges you to include the following recommendations to Serbia during the UPR session on 10 May:

- Take action to reconcile past atrocities by using the 2021 national strategy on the prosecution of war crimes as an opportunity to fight against impunity, particularly for high level war crimes cases;
- Normalize relations with Kosovo to contribute to greater regional stability, cooperation and reconciliation;
- Continue to strengthen and support the presence of civil society organizations by implementing measures outlined in the 2022-2030 strategy for civil society, particularly as it pertains to actions that threaten the rule of law, freedom of expression and upholding civil and political rights;
- Strengthen existing institutional and public resources for the Roma population and immediately cease the human rights abuses committed against them;
- End all discriminatory and exclusionary practices, rhetoric and ideology that could lead to violence and hostility against minority groups and voices of dissent in civil society.

The Global Centre further respectfully encourages you to consider the following advanced question for the review of Serbia:

- What tangible action can Serbia take to address past atrocity crimes in good faith and fully implement commitments outlined in the 2021 strategy on the prosecution of war crimes?