

“From the Court Room to the Classroom”

Keynote Address – Under-Secretary-General and Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, at the IRMCT Second Judicial Colloquium: The New Face of Atrocity Crime Proceedings: Internationalization of Standards, Regional Dialogues on Procedural and Cooperation Matters, and Use of New Technologies

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the mandate of judicial institutions with the relevant jurisdiction, including of course the Residual Mechanism.

However, the connection between accountability for genocide and related crimes and their prevention is indisputable.

Genocide was codified in international law through the adoption of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Convention created the dual obligation on State parties to both prevent and punish this crime.

Last year, we marked 75 years since the adoption of this landmark Convention. I am grateful that many of you were present in this commemoration at United Nations Headquarters in New York, in December. On that occasion, we honored the tireless work of Raphael Lemkin in giving the crime a name, genocide, challenged by the fact of the existence of a name for the crime of killing one person, – murder – and none for the killing, based on identity, of a group of people. Lemkin also led efforts in codifying the crime and making

Today we know the warning sign of genocide and related crimes. We know the risk factors. It is not the lack of information about violations of rights that may lead to a genocide that is hampering prevention efforts – it is the lack of action.

here are living testimony of this, many serious allegations are left unaddressed simply because there is no sufficient capacity to prosecute all cases. Cooperation based on international standards therefore becomes paramount to expand the wings of justice and to bring it to all affected victims and communities, so that they can heal and move forward. This too is essential for prevention.

Ladies and gentlemen,

Let me now turn to the use of new technologies. The rapidly changing technological landscape we are seeing all around us presents many opportunities to enhance our work on prevention and accountability for international crimes. New technologies allow for collection of evidence in ways that years ago was inconceivable. I have seen the importance of this in the good work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh, the UNITAD mission in Iraq, for example. New technologies allow efficient ways to preserve, store and manage evidence, to facilitate connection with witnesses and to allow parties to participate in proceedings remotely. But they are of course not without challenges. New technologies can support judicial proceedings enormously, but they are also part of the problem in enhancing the risk of international crimes in the first place.

Which takes me to hate speech. My Office is the UN systemwide focal point on hate speech, and we see firsthand through our work on tackling hate speech the severe negative impact of social media, and the algorithms that they are based on, in accelerating hate and incitement at unprecedented speeds.

Hate speech, in particular when it reaches the threshold of incitement, is one of the indicators of risk of genocide and related crimes that my Office looks at. We know from history that hate speech and dehumanization of the other has preceded the commission of genocide. The role of hate speech and incitement on the commission of genocide has also been highlighted through the judgments of the International Criminal Tribunal for Rwanda in what was called the media case. Similar tactics were used in the lead up to the Holocaust and in many other situations. Today, we see such tactics being put in place through the use of social media. This allowing hate to disseminate much faster, and to a much wider audience. And hatred expressed with words does not stay at the level of discourse. It constitutes a call to act and to kill. We have seen this in the lead up to the violence against the Rohingya in Myanmar in 2017, against the Yazidi in Iraq in 2014, or against the Masalit in West Darfur, Sudan, today.

At the United Nations

We also engage directly with tech and social media companies. Last year, we published a policy guidance, “*Countering and addressing online hate speech: A Guide for Policy Makers and Practitioners*” on tackling online hate speech, setting out key recommendations arising from consultations with a range of relevant interlocutors

Srebrenica, Bosnia-Herzegovina, coming in the form of hate speech or not, constitutes an indicator of risk for the commission of genocide. Despite the International Criminal Tribunal in the Former Yugoslavia and the International Criminal Tribunal for Rwanda having proved, repeatedly, conclusively, in lengthy legal processes, and applying international fair trial standards and the standard of proof beyond reasonable doubt, that the genocide against the Tutsi in Rwanda and against Bosniak Muslims in Srebrenica happened, revisionists and genocide deniers continue to ignore judicial decisions.

These trends are particularly worrisome as we are marking this year the 30th commemoration of the genocide against the Tutsi in Rwanda and, next year, the 30th anniversary of the Srebrenica genocide. This time should be spent honoring and commemorating victims, remembering, and learning from the past. Instead, we are faced with the challenge of addressing growing trends of denial and distortion of these tragedies. Social media, similarly, to hate speech, is helping to spread and amplify denial at alarming rates. Genocide denial impacts directly on victims who are retraumatized and faced with the burden of having to justify and explain the crimes they endured, despite the courts having conclusively determined that the crimes occurred. Denial has a serious detrimental impact on healing and reconciliation. I have seen this firsthand in Bosnia and Herzegovina. In my meetings with Ms. Munira Subasic, President of the Association of Mothers of Srebrenica, who I greatly respect and admire, she confided the strong disappointment by so many victims that genocide denial continues happening almost on a daily basis and with no consequences. I heard this too in Rwanda, over, and over again. Victims understand very well that genocide denial refers to the past, but that its impact is felt in the present and will be felt in the future. They do not want the young generations to experience what they have experienced.

With the aim of addressing this problem, in 2022 in partnership my Office published a policy paper titled: *Combating Holocaust and Genocide Denial, Protecting Survivors, Preserving Memory and Promoting Prevention*. This policy paper, based on expert consultations sets out recommendations for Member States, the United Nations, tech and social media companies as well as civil society.

We can also partner to provide such education on genocide and related crimes in a formal setting, here in Arusha through dedicated educational programs on the different aspects of the work of the tribunals and on their connection to the prevention of genocide. Many academic and research institutions, universities and institutions of higher learning do not have specific academic programmes on genocide

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