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Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
1147TH MEETING

ADDIS ABABA, ETHIOPIA
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CONCEPT NOTE

OPEN SESSION ON PREVENTION OF IDEOLOGY OF HATE, GENOCIDE AND HATE CRIMES IN
AFRICA

DRAFT CONCEPT NOTE

OPEN SESSION ON PREVENTION OF IDEOLOGY OF HATE, GENOCIDE AND HATE CRIMES IN AFRICA

I. BACKGROUND

1. The Peace and Security Council (PSC) of the African Union (AU) at its meeting held on 11 April 2017 took a decision to convene, annually in April, a PSC session on the prevention of the ideology of hate, Genocide, and hate crimes in Africa. The session recalled the horror of the 1994 Genocide against the Tutsi in Rwanda and reiterated its commitment to preventing the recurrence of similar mass atrocities, hate crimes, and ideology of genocide throughout the African continent. Twenty-nine years since the said Genocide happened, traces of the ideology of hate and Genocide and hate crimes still exist in Africa.

II. OBJECTIVE OF THE PSC OPEN SESSION

2. The main objective of the annual open session of the PSC is for the PSC, AU Member States as well as other key stakeholders to reflect and continuously devise means to collectively prevent the ideology of hate, genocide and hate crimes in Africa. PSC will take stock of the implementation of its previous decisions on the matter.

III. KEY INTERNATIONAL, AFRICAN INSTRUMENTS, DECISIONS AND RESOLUTIONS

3. A number of international and African instruments, as well as key decisions and resolutions of the AU and UN for combating and preventing these crimes cover hate and genocide crimes. Among the key instruments includes:

a. AU and UN instruments:

- AU Constitutive Act;
- African Charter on Human and People's Rights (1981);
- The Charter of the United Nations (UN);
- The Universal Declaration of Human Rights (1948);
- The Convention on the Prevention and Punishment of the Crime of Genocide (1948);
- International Covenant on Civil and Political Rights (ICCPR) adopted in 1966 and;
- International Convention on Elimination of All forms of Racial Discrimination (1969);

b. Policies:

- AU Post–Conflict Reconstruction and Development Policy Framework (2006); and
- AU Transition justice policy (2019)

c. Decisions and resolutions:

- AU Assembly Decision: Assembly/ AU / Dec.695 of July 2018, designating 7th April of each year as the African Union Day of Commemoration of the 1994 Genocide Against the Tutsi in Rwanda.

- Decisions of the AUPSC Communiqués: 1088th meeting, held on 7 June 2022; 989th meeting of 12 April 2021, PSC/PR/COMM.(CMLXXXIX), 761st meeting of 5 April 2018, PSC/PR/COMM.(DCCLXI); 678th meeting of 11 APRIL 2017, PSC/PR/COMM.(DCLXXVIII).
- UN General Assembly Decision 72/550 of 26 January 2018 designating 7th April as the International Day of reflection on the 1994 Genocide Against the Tutsi in Rwanda and; and United Nations Security Council Resolution 2150 (2014);

4. Although the above instruments are in place, hate crimes and Genocide ideology continue to exist on the African Continent. If unchecked, this could lead to future violent ethnic conflicts and worse still to another Genocide.

IV. PERPETUATING HATE CRIMES AND GENOCIDE

5. Hate and genocide crimes do not happen abruptly. They are systematically planned and involve perpetrators who execute these heinous crimes using all the available machinery. Planners of hate crimes and Genocide organize campaigns and define the target group of the society for systematic extermination.

6. In Rwanda, the genocide against the Tutsi for instance was preceded and prepared by widespread hate ideology and propaganda. The genocide ideology was propagated when political leaders using state machinery started branding a section of their own population – the Tutsi – as the ‘other’, ‘enemy of the State’, ‘cockroaches’ who were to be exterminated. Language such as “cleansing from the face of Rwanda the Tutsi” was commonly used prior to and during the 1994 genocide against the Tutsi. This culminated in the killing of over one million innocent lives in a period of 100 days. Thus discrimination, marginalization, tribalism and manipulation of ethnicity create conditions for hate crimes and ideologies of genocide to thrive.

7. Hate speech precedes and accompanies ethnic conflicts, particularly genocidal violence. Without such incitement to hatred and the exacerbation of ethnic, or racist tendencies, no genocide would be possible. In today’s Africa, the ideology of extremism among religious factions is fostering a new ground of hate speeches and crimes and if unchecked could lead to violent ethnic conflicts across the continent. Enforcement of one religious doctrine or the other as the state religion in the AU Member States that upon independence agreed to remain secular states due to the varied ethnic and religious composition of their societies is planting the seed for violent ethnic wars on the continent.

V. RECOMMENDATIONS ON PREVENTING THE IDEOLOGY OF HATE, GENOCIDE AND HATE CRIMES FOR CONSIDERATION BY THE PSC

a. Signing, ratifying or acceding to relevant international legal instruments

8. Member states that have not yet ratified or acceded to relevant international legal instruments especially the Convention on the Prevention and Punishment of the Crime of

Genocide should be encouraged to do so and, where necessary, to enact national legislation in order to meet their obligations under that Convention.

b. Combating impunity

9. Cooperation among AU Member States as well as international cooperation should facilitate the timely prevention and punishment of the crime of genocide as well as hate crimes. Rwanda issued 1,148 indictments and international arrest warrants for suspected perpetrators of genocide against the Tutsi in 33 countries worldwide. Among them, 964 were sent to the 18 AU Member States and 184 were sent to the rest of the continent. In response, there have been groundbreaking domestic prosecutions, deportations, and landmark judgments, as well as numerous commissions, which have visited Rwanda to conduct their own investigations and this resulted in the arrest and prosecution of only 37 perpetrators as of now. However, the remaining 1,111 perpetrators, including 954 in Africa and 157 in the rest of the world are still at large and continue to elude justice. It is therefore important to combat impunity for all violations that constitute the crime of genocide and other hate crimes. Holding the perpetrators, including their accomplices, accountable is essential.

10. AU Member States and the international community should be called upon to comply with their relevant obligations to end the impunity of perpetrators of hate crimes. To that end, there is a need to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, hate crimes, or other serious violations of international humanitarian law and international human rights law, in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation.

c. Preventing Genocide Denial

11. Denial is part of the genocide process and one that has been continuous for the Genocide against the Tutsi. There is a need to continue fighting Genocide denial in all its manifestations including the argument for double genocide and minimizing the number of victims of Genocide. Furthermore, deniers should be prevented from promoting hate and offensive speech through the denial of the genocide.

d. Cooperation with the International Residual Mechanism for Criminal Tribunals

12. Member States and the international community should also be encouraged to cooperate with the International Residual Mechanism for Criminal Tribunals and the Government of Rwanda in the arrest and prosecution of the remaining indicted fugitives, and further to investigate, arrest, prosecute or extradite, all other fugitives accused of genocide residing on their territories including leaders of the Democratic Forces for the Liberation of Rwanda (FDLR).

e. Unity and Reconciliation initiatives

13. For hate crimes and genocide ideology to be prevented. It is critical that reconciliation programs be developed in societies divided on ethnic, racial, religious or any other basis. In Rwanda, a national unity and reconciliation commission was created in March 1999 to promote

unity and reconciliation among Rwandans in the aftermath of the genocide against the Tutsi, which has fundamentally positively impacted Rwandan society. Programs such as “Ndi Umunyarwanda” (I am Rwandan) were developed to further promote unity, and reconciliation, and to build social cohesion.

f. Early warning mechanism

14. The AU’s early warning mechanism should be strengthened to detect early warning signs of situations, which could easily degenerate into violent conflicts and genocide if not addressed in a swift and effective manner.

g. Reinforcement of Laws that prohibit and criminalize hate speech

15. Hate speech should be prohibited and criminalized in the Member States. At the international level, it is addressed in two primary international instruments; the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) adopted in 1969, and the International Covenant on Civil and Political Rights (ICCPR) adopted in 1966. Member States that are not signatories of these instruments should be called upon to sign and domesticate them.

16. At the national level, it is important that Member States establish necessary legal frameworks or strengthen existing ones to ensure that laws that deal with hate speech, hate crimes, discrimination, ethnic division and genocide ideology are put in place. Some member states have already enacted such laws. It is crucial that those that have not yet enacted them do so.

h. Awareness campaigns through formal and informal education

17. The education systems should be inclusive in their policies and reflect the ethnic, racial and cultural diversity of each member state. The education policies by Member States should aim at producing citizens free from ethnic, regional, national and religious prejudices and who are committed to protecting human rights. Further, the education sector should contribute to national reconciliation by creating a culture of peace, emphasizing positive values, and promoting the universal values of justice and tolerance among others. The teaching of peace, reconciliation, tolerance, justice, democratic values should be promoted.

i. Use of media

18. The media can actively engage in fighting incitement to hatred and violence by adopting journalism principles, guidelines and ethical values to improve the quality of information and reporting, to avoid bias, prejudice and manipulation. In countries where media has played a negative role in spreading hate speech, media reform could be an important element in preventing and responding to hate speech. Post-conflict societies often require media reform,

particularly when hate speech, dangerous rhetoric, and media abuses have in part fueled the conflict.

j. Implementation of relevant decisions

19. Since 2017, during its sessions on the prevention of the ideology of hate, Genocide, and hate crimes in Africa, the PSC has taken a series of relevant decisions, which require implementation. Among others, includes:

20. Request for Member States to investigate, arrest, prosecute or extradite those fugitives accused as genocide perpetrators currently residing in their territories; condemn denial and trivializing facts about the 1994 genocide against the Tutsi in Rwanda; and put in place measures that prevent deniers from promoting hate speech.

21. Request for AU to expedite the construction of the AU Human Rights Memorial dedicated to victims of human rights violations in Africa; to expedite the appointment of an AU Special Envoy on the Prevention of Hate Crimes and the Crime of Genocide; develop and share a definition of what constitutes hate speech and hate crimes in order to enable the Member States to enact the necessary legislation to combat the scourge; and put in place mechanisms for regular monitoring of conflict situations and alerting the PSC and the broader AU Member States of potential escalation of hate crimes into genocide.

VI. PARTICIPANTS

22. For this Open Session of the PSC, it is envisaged that all Member States of the AU, the Regional Economic Communities/Regional Mechanisms (RECs/RMs) and AU Organs will participate. Representatives of the international community in Addis Ababa, Ethiopia, Think Tanks, Civil Society Organisations, and many more are expected to attend.

VII. DATE AND VENUE

23. The meeting will be held physically on Thursday, 6 April 2023, at 10:00 am, Addis Ababa local time, in the Plenary Hall of the Julius Nyerere Peace and Security Building, AU Headquarters.

2023-04-06

Communiqué of the 1147th Meeting of the Peace and Security Council, Held on 6 April 2023, on the Briefing on Prevention of Ideology of Hate, Genocide and Hate Crimes in Africa.

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