

**2007 HUMAN RIGHTS DEFENDERS POLICY FORUM**  
**Faith and Freedom: Protecting Human Rights as Common Cause**  
**Hosted by Human Rights First and The Carter Center**  
**Atlanta, September 5-7, 2007**

**Challenges and Recommendations for Addressing Mass Atrocities**

On September 5, human rights defenders, including several from faith-based organizations, came from 20 countries to discuss the challenges they face in addressing mass atrocities and to develop recommendations for the international community. On September 6 and 7, former President Jimmy Carter and U.N. High Commissioner for Human Rights Louise Arbour chaired a meeting to consider the recommendations and to discuss the matter in more detail with representatives of governments and multilateral institutions.

Participants identified challenges and recommendations in preventing, reacting to, and rebuilding after mass atrocities, recognizing that these efforts may take place in simultaneous and overlapping ways.

A summary of their findings follows:

**CHALLENGES**

***Prevention of Mass Atrocities***

The media can play a negative role in inflaming ethnic, religious, or nationalist tensions to create a sense of siege and victimization. In Serbia, for example, intellectual, cultural and religious elites played a role in producing a mentality of victimhood. When atrocities then break out against minorities, the majority community has no empathy or sympathy.

Weak political leadership is unwilling to challenge extremist voices, and even seeks to tap in to chauvinistic sentiment to their own advantage. That obstacle is often compounded by a weak civil society, especially in post-authoritarian societies, that cannot counter intolerant, supremacist ideas. As polarization increases, human rights defenders frequently experience extreme insecurity that impairs their ability to function.

Faith-based and religious institutions, while potentially a voice of reason and compassion in an escalating conflict, can become equally culpable in creating the victim mentality and inflaming public opinion. With sufficient leadership and commitment, however, religious institutions can overcome a crisis of values and answer the call to justice inherent in many faiths to stand with the oppressed.

The failure or corruption of state institutions, including the police, military, intelligence services, judiciary, and legislature, is frequently responsible for the outbreak of conflict, as is the failure to take action by the international and regional agencies and states.

## ***Reacting to Mass Atrocities***

Human rights defenders and their families face personal risk from parties to the conflict. Such risks include being exposed to arbitrary arrest and detention, or even to the death penalty in the case of Sudan. Human rights defenders also face restrictions on freedom of movement at home and abroad.

Laws that could protect human rights defenders and that provide access to justice for victims are frequently inadequate. For example, the Sudanese penal code does not recognize torture, war crimes, or crimes against humanity.

While conflict is underway, it is hard for human rights defenders to obtain precise details of atrocities, due to restricted access and diverging accounts. Victims, especially women and internally displaced persons, may lack protection and may be reluctant to testify.

In responding to mass atrocities, defenders are reacting in real time, due in part to the fleeting attention of the international community. But they always need to worry about being discredited if information is incomplete or inaccurate.

International or domestic political actors may instrumentalize defenders for their own purposes, which can undermine their credibility and effectiveness.

Capacity of local human rights NGOs may be weak, so testimony and other evidence may be uncollected, abandoned, or lost, allowing perpetrators to go free.

## ***Rebuilding after Mass Atrocities***

Public institutions, including legal systems, are frequently destroyed during periods of mass violations. The weak institutions that a post-conflict society inherits makes it difficult for human rights defenders to promote transitional justice mechanisms. Frequently it is more a matter of building institutions than rebuilding. Rwanda is a pertinent example.

The international community cannot currently ensure that international justice mechanisms act as an effective deterrent to the commission of mass atrocities. For example, the ICC has not served as an effective deterrent in Darfur, Eastern Congo, and Northern Uganda.

Women are frequently socially and economically marginalized during rebuilding efforts. Their capacity to be valuable peace-builders is often overlooked.

In rebuilding societies after mass atrocity, human rights defenders can be demoralized by lack of progress, making it hard to continue fighting for human rights and the construction of truly democratic institutions rather than concentrating on the past.

## **RECOMMENDATIONS**

### ***Prevention of Mass Atrocities***

1. Monitor media output and challenge hate speech and incitement when they occur. Promote an independent and diverse free press. Build community radio and other alternative media as one way to communicate with people despite media control. Train journalists in human rights and defenders in media skills.
2. Encourage religious leaders to have a moderating influence on their own faith communities in areas of conflict.
3. Build the capacity of NGOs at the local level to monitor violations by the judiciary, parliament, police, military, intelligence services, and non-state actors. Train NGOs to enable them to lobby for implementation of and compliance with existing laws that protect human rights.
4. Make full use of all diplomatic pressures and sanctions to deter states and individual officials from actions that exacerbate conflict or that constitute violations. Such measures include targeted sanctions, diplomatic isolation, arms embargoes, naming and shaming, trade embargoes, and boycotts of industries that benefit authoritarian elites, such as tourism. However, sanctions should primarily focus on political rather than economic levers to avoid harming disadvantaged groups.
5. Provide incentives for states to uphold human rights and take other measures to step back from the brink of inter-communal conflict. Such incentives, as found in the E.U. accession criteria, reward respect for civil liberties, equality of women, non-discrimination, and good governance.

### ***Addressing ongoing Mass Atrocities***

1. Do not wait for peace before beginning to address human rights. Ensure that political agreements aimed at conflict resolution include human rights content. The political process must be based on human rights values, and it is counterproductive to bargain human rights away as part of the political process.
2. Encourage domestic legal reform to ensure that states enact and implement laws consistent with international treaty obligations.
3. Educate law enforcement officers, judges, prosecutors, and others charged with protecting rights about state obligations under international treaties, and encourage them to challenge human rights violations.
4. Include human rights defenders in international conflict-resolution efforts. Defenders are likely to be active in conflict and post-conflict situations and will need official support. For example, the U.N. Peacebuilding Commission must be mandated to

work with defenders. Peacekeeping missions should have a mechanism to focus on urgent threats to protect defenders.

5. Strengthen the protection of human rights defenders under international law, providing them with a status similar to humanitarian actors (attacks on humanitarian actors are a breach of the laws of war).
6. Provide scholarships and professional training for defenders in areas relating to post-conflict reform, including security studies, military and judicial reform. Training judges, military officers, or other officials in these subjects is not sufficient.
7. Pressure states investigate and prosecute perpetrators in their jurisdiction. If the government in question fails to act, bring perpetrators to justice through the ICC and universal jurisdiction. Despite concerns that such prosecutions may affect political processes aimed at ending a conflict, justice is a prerequisite for lasting peace.
8. Help preserve evidence for future prosecutions by training local defenders to document human rights violations and to collect evidence in areas experiencing mass atrocities. Where it is not possible for local defenders to safely gather or preserve evidence immediately after the crime, international investigators should participate and the evidence sent abroad if necessary.
9. Stop the flow of funding to conflicts. Countries that subsidize parties to the conflict through foreign assistance, including but not limited to military aid, must be pressured to recognize the consequences of their funding and to cease their support. Regulation of conflict diamonds is important, but there needs to be attention to other natural resources that fund conflicts.
10. Recognize that until there is local support for a political solution, conflicts will not be resolved. That is, resolution at the international level alone will not suffice. In Darfur, even after international civil society forced international action, in the form of a Security Council resolution and international indictments, the situation on the ground did not change.
11. Ensure that rights of refugees are protected. The obligation not to forcibly return refugees must be strictly observed.

### ***Rebuilding after Mass Atrocities***

1. Ensure that reconciliation is not misused to promote impunity based on the hope that citizens will forget the past. "Reconciliation" can mean that victims are re-traumatized and languish in poverty while perpetrators walk free and escape accountability for their crimes. Genuine reconciliation is a human rights project but in some countries it has been transformed into an impunity project.
2. Support political sanctions against perpetrators to ensure that impunity ceases, for example through the appropriate use of vetting and lustration.

3. Criminal justice on its own is not a sufficient response in the absence of social and economic justice for victims.
4. Ensure that institutions created by local human rights defenders are an integral part of the formulation, implementation, and evaluation of plans and funding priorities to rebuild societies after mass atrocities.
5. Allow defenders and victims' groups to join in determining transitional justice mechanisms and reconstruction efforts. The international community should support defenders to effectively and skillfully engage with security sector reform initiatives and demobilization, disarmament, and reintegration (DDR).
6. The international community should recognize the vulnerability of human rights defenders working on transitional justice issues and provide appropriate protection and support in consultation with defenders.
7. Design transitional justice mechanisms suited to the needs of each particular situation without a pre-ordained preference for one mechanism over another.
8. Focus on strengthening local judicial systems and traditional institutions that offer means to address the root causes of mass atrocities, including discrimination, inequality, and other forms of social injustice.
9. Reparations must be the responsibility of the government, not perpetrators. Reparations should include but not be limited to apologies, restitution, compensation, and assurances of non-repetition, and should be gender specific.
10. Exiled human rights defenders and refugees must be allowed to repatriate and all displaced persons allowed to reintegrate with full enjoyment of their citizenship rights.