

National Mechanisms for the Prevention of Genocide and other Atrocity Crimes

Durable Solutions to Challenges in Effective Prevention



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Through education, training, and technical assistance, the Auschwitz Institute for Peace and Reconciliation (AIPR) supports states to develop or strengthen national mechanisms for the prevention of genocide and other mass atrocities. AIPR also encourages and supports states to cooperate through regional and international arrangements to advance prevention.

Cover image:
UN Photo/Sylvain Liechti
Weapons retrieved from rebels groups are destroyed in Goma, a city in the DRC's North Kivu province.
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Introduction

National Mechanisms are officially established bodies that include representatives from different areas of government relevant to the prevention of atrocity crimes. The term “atrocity crimes” refers to three crimes defined by international law: war crimes, crimes against humanity and genocide. National Mechanisms are established to lead the development of a coordinated national strategy for the prevention of such crimes on behalf of their government. The inclusion of representatives from all relevant areas of the state enables National Mechanisms to carry out an initial system-wide assessment of strengths and weaknesses from the perspective of atrocity prevention. Following this assessment, it is the role of the National Mechanism to support the development and implementation of the necessary preventive policies to bolster the state’s resilience against realities that present a risk of atrocity crimes in the future.

National Mechanisms are vehicles through which states exercise their responsibility to prevent genocide and other atrocity crimes, as is required by all those party to the UN Convention for the Prevention and Punishment of the Crime of Genocide and other relevant international treaties, regional protocols, and national legislation. There is no one prescribed method for the establishment of a National Mechanism. However, AIHR has seen a growing number of governments look to pre-existing institutions to incorporate this agenda, in addition to those establishing new structures with the sole mandate of preventing atrocity crimes.

National Mechanisms include representation from multiple areas of government responsible for atrocity crimes prevention and can also involve national and international civil society organizations in providing technical assistance, capacity building and output monitoring. National Mechanisms differ from state to state, but four major themes emerge in their mandates and activities: risk assessment and early warning, development of training programs for their members and other civil servants, development of policy recommendations geared toward the protection of vulnerable populations, and communication with regional and international organizations on issues surrounding atrocity prevention.

Across the globe, the majority of active National Mechanisms are in the early stages of development and capacity building, and more continue to emerge each year. This year’s publication will highlight the progress of existing Mechanisms featured in the 2015 edition, introduce newly established Mechanisms, discuss common challenges as well as innovative solutions, and, finally, provide a concluding section that pulls together lessons learned for the atrocity crimes prevention community.

Part I

Updates to Previously Featured National Mechanisms

DRC

Kenya

Tanzania

Uganda

Paraguay

United States

DRC



The Democratic Republic of the Congo (DRC) National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The structure of the DRC National Committee has not changed since its official launch in November of 2014. The Committee remains under the operation of the National Chairperson in consultation with the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination under the auspices of the ICGLR.

A draft order for an official mandate of the Committee by the government was submitted in March of 2015 with regard to peace, security, stability and development within the framework of the ICGLR. The mandate, once accepted, will formalize the organization and administration of the Committee, as well as its operational controls within the government. It will also seek to ensure the credibility, effectiveness and sustainability of the mechanism for atrocity prevention wherein the government must mobilize resources for its operation and conduct evaluations of the Committee's activities. Additionally, the draft instructs that reports produced by the Committee will be used by policymakers as well as defense and security personnel as material to guide their actions in the prevention and suppression of atrocity crimes.

While the draft of its mandate remains under review by the government authorities, several reformative actions concerning atrocity prevention have been undertaken. Recently, reforms have been made to the Military Justice Code that take into account the Rome Statute of the International Criminal Court, as well as amendments to the Organic Law on Organization, which grants Courts of Appeal jurisdiction over atrocity crimes. A draft text was submitted, calling for the organization

of specialized chambers in the courts of the Judicial Order to strengthen the work of military and civilian courts on atrocity crimes litigation. Lastly in this regard, a change to the Amnesty Law has removed perpetrators of atrocity crimes from the scope of protection.

The National Committee has also established two sub-committees in the conflict prone Kivus regions (North and South). The UN Office of the Special Advisers on Genocide Prevention and the Responsibility to Protect has provided initial training for both the national and provincial committees. The sub-committees have been active, not only in terms of regular reporting, but also by instituting conflict prevention measures and promoting dialogue on the local level.

The establishment of sub-committees is a new initiative in the realm of National Mechanisms and may prove to be extremely useful for states managing broad geographical expanses, as well as vulnerable groups within the population that face varying risks for atrocity crimes.



William Wenga Bumba
Member, DRC National
Committee

Kenya



The Kenyan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The structure of the Kenyan National Committee (KNC) has not changed since its establishment on March 22, 2012 and remains under the auspices of the Office of the Great Lakes Region, which is the national coordination mechanism for the International Conference on the Great Lakes Region (ICGLR) in the Ministry of Foreign Affairs and International Trade.

The KNC, which derives its mandate from the ICGLR Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination, is now working to ensure its legal formalization as a State organ. Since the publication of this Booklet's first edition, the KNC has drawn up a draft National Legal Notice, which would institutionalize its mandate within the State apparatus.

The Legal Notice stipulates the functions of the Committee, as follows:

- Regularly review situations at both the national and county levels for the purpose of preventing genocide, war crimes, crimes against humanity and all forms of discrimination.
- Collect and analyze information related to genocide, war crimes, crimes against humanity and discrimination.
- Alert both national and county governments in a timely manner to take urgent measures to prevent potential crimes.
- Suggest specific measures to effectively fight impunity for these crimes.
- Contribute to raising awareness and education on peace and reconciliation through national and county programs.

- Recommend policies and measures to guarantee the rights of victims of the crime of genocide, war crimes and/or crimes against humanity to truth, justice and compensation, as well as their rehabilitation while taking into account gender specific issues and ensuring that gender-sensitive measures are implemented.
- Monitor the national program on Disarmament, Demobilization, Rehabilitation, Repatriation and Reinstallation (DDRRR) for former child soldiers, ex-combatants and combatants.

To strengthen its operations and effectiveness, the KNC has established subcommittees on: a National Memorial for Post-Election Violence, Early Warning, Rules, Resource Mobilization, a Genocide Bill and Policy, as well as Punishment as a Prevention Mechanism. The KNC has also undertaken training and capacity building measures for its members and continues to enhance their knowledge and skills surrounding atrocity crimes prevention.

In preparation for the last elections, the KNC held a Peace Forum in the Coast region in 2013 for County Commissioners, Provincial Commissioners, and community leaders and plans to hold additional peace fora in identified hotspots around the country, particularly as Kenya prepares to hold General Elections in 2017.

In coordination with AIPR, the KNC held a capacity building seminar in July of 2015 that focused on the memorialization of violence related to the 2007-2008 electoral process. The seminar hosted participants from several Kenyan government bodies for training with the objective of examining the state of prevention in Kenya and the surrounding

Kenya



The Kenyan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

region as well as developing capacity to plan and implement prevention projects at national and grassroots levels.

The KNC participated in the Sixth Regional Committee Meeting and Training of the Regional and National Committee Members on Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination in the Great Lakes, held in January of 2015 in Kampala, Uganda. The activity provided ICGLR and State representatives with a space to share best practices and learn about the latest trends in prevention.

The KNC also participated in an ICGLR Regional Committee Meeting in Congo (Brazzaville) in December of 2015, which focused on the situation in Burundi. In February of 2016, the Committee attended a meeting organized by AIPR in Kampala, Uganda and also contributed to the GAAMAC II meeting held in Manila, Philippines. In March of 2016, the Committee participated in a workshop held by the Budapest Centre for the International Prevention of Genocide and Mass Atrocities as well as a training seminar conducted by the Tanzanian National Committee in collaboration with AIPR in Dar es Salaam.

The Committee has a number of activities planned for 2016-2017, including:

1. Establishing a memorial, or memorials, such as peace parks in the capital city of Nairobi and other strategic locations in order to commemorate past atrocities and promote prevention. The KNC is collaborating with the government of Argentina on this project, as Argentina has vast experience in establishing public memorials to commemorate atrocities

committed on its soil.

2. Conducting an assessment of early warning and response initiatives implemented in Kenya during the 2013 General Elections: analyzing their impact, identifying any gaps and making recommendations for improvement. This recognizes that election periods in Kenya are volatile and have been characterized by violence in the past. The KNC intends to study and collate the mechanisms and tools used to ensure peaceful elections in 2013 and to highlight the lessons learned and determine how they can be utilized to guide policy and action as Kenya prepares for General Elections in 2017. The best practices will be replicated in Kenya and may be employed by other countries facing similar risks of atrocity crimes. The information gathered will also be used by the KNC to plan activities such as peace fora in identified hotspots with the objective of preventing atrocities in the 2017 General Elections.
3. Spearheading the formulation of genocide prevention policy and legislation.
4. Further considering ways in which accountability can be used as a mechanism to prevent future atrocities.



KNC Training Seminar with Argentine Ambassador Bibiana Jones in Nairobi, July 2015

Tanzania



The Tanzanian National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The structure of the Tanzanian National Committee (TNC) has not changed since the 1st edition of this Booklet with regards to the institutions and organizations that comprise its membership. The Committee remains under the operation of the National Chairperson in consultation with the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination under the auspices of the ICGLR.

However, individual members have been replaced by new representatives due to departmental transfers and promotions. The Committee generally welcomes two representatives from each institution to build consistency and manage succession.

On August 7, 2015 the TNC held a meeting at which members reflected upon the current strengths and weaknesses of both the mechanism and the country as a whole from a mass atrocity prevention perspective. To this end, the Committee has taken advantage of the formal assessment completed by the government and the UN Development Programme on the National Peace Infrastructure for the years of 2014 and 2015. One of the recommendations of this report is the establishment of a Conflict Early Warning Mechanism. The TNC and its members are therefore translating this recommendation into concrete action.

The TNC is currently in the process of establishing a National Centre for Conflict Early Warning and Early Response. The objective of the Centre will be to build an efficient framework for information sharing and communication, utilizing available

technologies among government and non-governmental actors. The network will include representatives from the local and national levels with the goal of providing timely advice and policy recommendations for burgeoning conflicts and threats to peace and security in Tanzania.

The Committee has also conducted additional capacity building trainings for its members in collaboration with AIPR. In March of 2016, the TNC and AIPR organized one such training to advance the following goals:

1. To familiarize participants with the concept of genocide and other atrocity crimes, the relationship between them, and the processes by which they occur.
2. To empower participants with the practical competencies (knowledge and skills) necessary to be able to identify, deter, and limit the impact of genocide and other atrocity crimes.
3. To strengthen the capacity of leaders, as shapers of political will, to become agents of atrocity crimes prevention with a heightened degree of sensitivity and awareness to the role of governmental and non-governmental actors in zones of conflict.

The main topics discussed during this training were: the prevention and management of electoral violence, early warning and response tools for atrocity crimes prevention, and the construction of institutional synergies between regional and National Mechanisms for atrocity crimes prevention.

This served as the third iteration of capacity building training seminars organized by AIPR in cooperation with the TNC, with further programming planned for the coming years.

Uganda



The Ugandan National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity, and All Forms of Discrimination

The structure and the mandate of the Ugandan National Committee have not changed since the 2015 edition of this Booklet was released. However, in the final quarter of 2015, members voted to hand the daily management of the Committee to the Vice Chairperson, wherein this role previously sat with the Chair. The Committee Members felt that, based on the stated role divisions of the body, the administration of daily activities is better suited for the Vice Chair at this time.

In 2015, the Committee completed its initial assessment of national strengths and weaknesses from the perspective of atrocity prevention. The main policy gap that was discovered concerns domestic legislation for atrocity crimes. Thus, the Committee forged a partnership with a select group of parliamentarians to draft a bill on the punishment of the crime of genocide. The Genocide Bill, as it is most commonly called, was introduced on the floor of Parliament and referred to a select committee during the most recent session. In the coming session, the Committee expects that the bill will be passed into law, giving Uganda a domestic legal framework for the prevention and punishment of the crime of genocide.

Additionally, in December of 2015, the Committee led a training for various members of the National Committees in the ICGLR region in cooperation with AIPR. The goals of the seminar were to provide background information on past experiences, new challenges and lessons learned on thematic issues involving the work of National Committees on genocide and mass atrocity prevention in the Great Lakes Region of Africa and to provide state leaders and national mechanisms with policy and programmatic

recommendations towards institutionalization and sustainability of efforts for the prevention of genocide and other atrocity crimes.

The Committee plans to be involved in further training programs, as well as the administration of peace forums, pending the availability of resources, which is currently the largest challenge faced by the Committee in its sustained work plan.



Lina Zedriga Waru Abuku
Secretary, Uganda National
Committee



Dismas Nkunda
Acting Chair, Uganda National
Committee

Paraguay



The Paraguay National Commission for the Prevention of Genocide and Mass Atrocities

The structure of Paraguay's National Mechanism has remained unchanged, wherein the Truth, Justice and Reparations department of the Office of the Ombudsman and the Office of Human Rights of the Ministry of Foreign Affairs remain the focal points and are responsible for the internal monitoring of measures taken during the process of establishing the National Mechanism.

Over the past year, there have been several meetings with representatives from state institutions with the purpose of analyzing the progress and implementation of a bill to officially establish the National Commission for Genocide and Mass Atrocity Prevention in Paraguay. This progress prompted the presentation of the bill to the National Congress in August of 2015. It is currently under consideration by the respective committees.

In the meantime, the Ministry of Foreign Affairs and the Office of the Ombudsman continue to develop programming and policy for prevention specifically with regards to Paraguay's Truth Commission, which handled cases of potential atrocity crimes that took place during the military dictatorship from 1954-1989.



Yudith Rolón
Director of the Department of
Truth, Justice and Reparations
of Paraguay's Office of the
Ombudsman
(Photo: GAAMAC)



Dialogue on Prevention in
Asunción, August 2014



The launch of Paraguay's National Commission for the Prevention of Genocide and Mass Atrocities in April, 2013

United States



The United States Atrocities Prevention Board

With continued dedication to the belief that mass atrocity prevention is a core national security interest and a fundamental moral responsibility of the United States, the Atrocities Prevention Board (APB) was established via a Presidential Study Directive to develop and assist in the implementation of coordinated national policy on the prevention of atrocity crimes. The APB was launched on April 23, 2012 and has maintained its structure, bringing together senior level representatives from eleven government agencies to effectively carry out its mandate. This mandate, as outlined in a 2013 White House Fact Sheet, addresses threats by “scanning the horizon for critical developments, assessing the risk of mass atrocities in particular situations, and supplementing existing efforts, or catalyzing new efforts, to ensure that atrocity threats receive adequate and timely attention.”

The recent activities of the APB include the development of an 18-month work plan to prioritize and coordinate atrocity prevention efforts. This plan coordinates U.S. government initiatives on country-specific cases, which include nations at moderate and at high risk of atrocity crimes. It has also engaged in efforts to institutionalize prevention within the government through training programs for agency officials, the development of lessons learned and best practices, and the incorporation of atrocity prevention into strategic plans and budget guidance, as well as engagement with key bilateral, multilateral, and civil society actors to implement its mandate.

More specifically, the State Department is studying lessons learned from U.S. Government efforts to help prevent atrocities

in countries at risk for these crimes. According to the Department’s website, the senior-level Anti-Atrocity Coordination Group is enabling the more routine assessment of atrocity prevention across the agency. The results of this analysis will help inform future atrocity prevention efforts by the U.S. Government.

In order to strengthen prevention initiatives, the APB is committed to evaluating U.S. Government efforts in the following ways:

1. Gathering and analyzing data to determine the extent to which U.S. atrocity prevention efforts achieved their intended outcome(s), and what specific elements were successful, accurately diagnosed the problem, and developed a strategy linked to that diagnosis, met criteria for strong atrocity prevention and response, and/or achieved sustainable results;
2. Distilling innovative aspects of prevention or response efforts and making the findings known to planners or responders involved in future efforts;
3. Actively identifying gaps in atrocity prevention and response knowledge, including an enhanced understanding of triggers and accelerators, the economics of atrocities, the links between human rights violations and atrocity escalation, and whether a broad or narrow definition of prevention is most effective; and
4. Identifying and updating the necessary systems and processes to ensure future efforts operationalize lessons learned.

The APB’s institutionalization efforts through training programs have, in previous years, included a U.S. Inter-Agency Course on Atrocity Prevention co-organized by the United States Institute of Peace and AIPR. The three-day course equipped participants

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The United States Atrocities Prevention Board

with tools to design a holistic strategy for prevention in order to address the risk of, or occurrence of, atrocity crimes in various conflict contexts. Another training of this kind is planned for October of 2016.

Among the participating APB agencies was the Federal Bureau of Investigation's (FBI) International Human Rights Unit (IHRU), whose longstanding partnership with AIPR also made possible the Auschwitz Institute's involvement in the International Human Rights Forum on September 24, 2015. The forum, which was entitled "Building a Strong Foundation for International Human Rights Crimes Investigations," featured a series of training and educational seminars to which AIPR's training modules were applied in the specific contexts faced by field agents who encounter atrocity crimes falling under U.S. jurisdiction. This IHRU organized training is another example of how APB agencies are working to institutionalize education on atrocity crimes prevention for their officials.

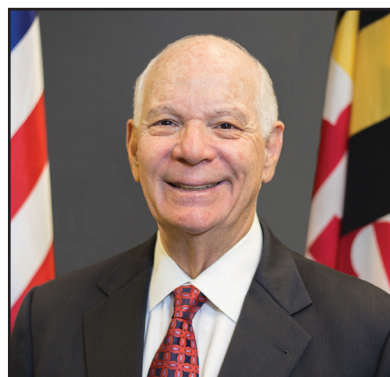
Finally, the U.S. Congress has now taken up the cause of atrocity prevention with the introduction of the Genocide and Atrocity Prevention Act (S. 2551) to the floor of the Senate on February 11, 2016. This Act, if passed, takes three crucial steps in U.S. legislation for prevention. The first is that this bill officially authorizes the APB and its mandate, ensuring its sustained activities through administration changes. Secondly, it requires that Foreign Service Officers from the State Department receive mandatory training on atrocity prevention to enhance officer capacity to identify patterns of risk in the countries to which they are deployed. Finally, this Act authorizes the Complex Crisis Fund to allow for flexible, and rapid-response financial

support that enables the U.S. to preposition resources and respond quickly to any situation in danger of escalating into violence.

The Genocide and Atrocity Prevention Act has now been referred to a review committee and will likely be voted on later this year. The atrocity prevention community in the U.S., through civil society, is currently engaged in a lobbying effort to ensure its successful passage into law.



Stephen Pomper,
Chairman - U.S. Atrocities
Prevention Board



Senator Benjamin Cardin,
US Senator and Sponsor
of Genocide and Atrocity
Prevention Act of 2016

Part II

New and Emerging National Mechanisms

South Sudan

Costa Rica

South Sudan



The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

History

The independent country of South Sudan was established on July 9, 2011 after a national referendum resulted in 98.83% of the population voting to secede from Sudan. The referendum was a key component of the Naivasha Agreement signed in 2005 by the Sudanese government in Khartoum and the Sudan People's Liberation Movement.

According to its Transitional Constitution of July 2011, South Sudan is governed through a presidential system with three governmental arms - the Executive, the Legislature and an independent Judiciary. With its capital city in Juba, the country also operates through a decentralized system of governance, with ten states as follows: Jonglei, Upper Nile, Unity, Central Equatoria, Western Equatoria, Northern Bahr El Ghazal, Western Bahr El Ghazal, Eastern Equatoria, Warrap and Lakes States. With its legacy of prolonged civil war, the country is facing enormous challenges and hence requires resources and technical assistance to uphold, protect, and promote human rights among its citizens.

Based on this goal, the Republic of South Sudan (RSS) joined the International Conference on the Great Lakes Region (ICGLR) on November 24, 2012 and became the 12th Member State of the ICGLR. In doing so, the RSS acceded to the ICGLR Pact on Security, Stability and Development in the Great Lakes Region (2006), amended in November 2012.

Hereafter, the RSS is bound by the ICGLR's 10 Protocols, which require the formation of a National Committee for the Prevention and

Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination.

On November 20, 2004 in Dar es Salaam, Tanzania, the Heads of State and Government of the Member States of the ICGLR adopted the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. The aim of this Declaration is to foster sustainable peace and security in the Great Lakes Region, which has witnessed numerous atrocity crimes. It is from this Declaration that a number of Protocols were adopted, including the Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All forms of Discrimination on November 29, 2006.

Moving forward to September 12 and 13, 2013, the ICGLR Acting National Coordinator hosted the 5th Ordinary Meeting of the ICGLR Regional Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination in Juba, Republic of South Sudan. This meeting brought together Members of the Regional Committee, partners and ICGLR Executive Secretariat staff. The purpose of the meeting was to review the human rights situation in the Member States and prepare a report for the next regional summit.

The Republic of South Sudan, as a new member of the ICGLR, planned and launched its National Committee on September 10 – 11, 2013, just prior to the Ordinary Meeting, and thereafter the Committee was charged with the responsibility of assisting in the prevention of atrocity crimes in South Sudan.

South Sudan



The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

From its launch until the present day, the Committee has been engaged in solidifying its membership and organization in order to begin to carry out activities under its mandate.

Mandate

The Committee is tasked with the prevention of the crime of genocide, war crimes, crimes against humanity and all forms of discrimination through:

1. Ensuring that rules of procedure are developed and domesticated at the national level in line with those of the Regional Committee and the ICGLR Protocol;
2. Liaising and coordinating with the Conference Secretariat, the Regional Committee, individual member states and partners for the purposes of planning and the mobilization of resources for the National Committee and their local structures, ensuring that such structures are established and have a work-plan to implement the ICGLR Protocol;
3. Establishing partnerships with institutions, agencies and organizations that operate within the genocide prevention arena to assist in capacity building for the Committee;
4. Overseeing the coordination of early warning and early response activities at the national level by ensuring that all relevant actors and structures are linked and connected to each other in terms of information collection and communication; and
5. Analyzing, verifying, and disseminating information on response measures, as well as evaluating outcomes of preventive tools utilized by the Committee.

Structure

The National Committee is comprised of the following hierarchy in compliance with the Committee Rules of Procedure:

- The Bureau: consisting of the Chair, Vice Chair and the Secretary; and
- The Plenary: consisting of all the National Committee Members, including the following government offices and organizations: the Ministry of Defense and Veteran Affairs; the Ministry Of Foreign Affairs and International Cooperation; the Ministry of Interior and Wildlife Conservation; the Ministry of Justice; the Ministry of Education, Science and Technology; the Ministry of Culture, Youth and Sports; the Judiciary of South Sudan; the Human Rights Commission; the Peace Commission; the South Sudan Council of Churches; the South Sudan Islamic Council; the Council of Traditional Authority Leadership (COTAL); the National Legislative Assembly; representatives of the media; the National NGO Forum; the South Sudan Civil Society Alliance; the South Sudan Women's Empowerment Network (SSWEN); and the South Sudan Women General Association.

Members of the Bureau serve for a period of two years, with the opportunity to renew their membership once. General members serve for a period of four years with an opportunity to renew their membership once. The current Chair of the South Sudan National Committee represents the Judiciary branch of the government.

Selection of the members was based upon the model provided for in the Rules of Procedure of the Regional Committee, but localized according to the South Sudanese administrative system. The main goal is to

South Sudan



The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

draw membership from all key ministries and sectors dealing with peace and security, either directly or indirectly. Being a national body, the operational strategy of the Committee is to be translated into the broadest participation and inclusiveness of the citizenry in preventive policy formulation and implementation.

Outputs

The outputs of the National Committee have been limited since its inception in September of 2013 due to the fact that it was established just two months before the current political crisis erupted in December of that year. This ongoing violence has jeopardized the Committee's upstream prevention efforts. However, the Members have had regular meetings, and 2016, with the support of the Chairman, will hopefully see more robust programming.

Looking back to the early days of its establishment, the Committee issued a press release in January 2014 condemning the political crisis in the country and urged the religious, traditional, and political leaders, as well as civil society to come to the negotiating table and settle the conflict through peaceful means.

Internally, the Committee has also developed Rules of Procedure to guide and govern the Mechanism in its day-to-day business. In its current plans, the Committee intends to conduct workshops, when the security situation improves, aimed at educating ranking security force members on atrocity prevention strategies across the country. The Committee has also planned field visits to the most affected counties in the Greater Upper Nile,

Jonglei and Unity states.

The Committee has not yet carried out an assessment on the current government's strengths and weaknesses from the perspective of atrocity prevention, but it is important to note that there are institutions established officially by the government to focus on and address issues of atrocity crimes, such as the Legal Affairs and Human Rights Committee of the Legislative Assembly, the South Sudan Police Force, and the Human Rights Commission. The Committee is starting to work closely with these bodies and others to avoid the further occurrence of atrocity crimes.

Finally, the Committee, through its Members, has managed to raise awareness of its creation and its mandate through radio talk shows. This has exposed the Mechanism to the entire population of the Republic of South Sudan.



Peter James Deng Lual
Member, South Sudan National
Committee

Costa Rica



The Commission for International Humanitarian Law of Costa Rica (La Comisión Costarricense de Derecho Internacional Humanitario - CCDIH)

History

The Costa Rican government has looked to the existing body of the CCDIH to manage the agenda of atrocity crimes prevention on behalf of the State. The Commission was created by an Executive Order in 2004 as an inter-ministerial/inter-departmental body with an advisory role to the Executive branch of the government, as well as having a mandate to implement and propagate the dissemination of International Humanitarian Law (IHL). The Commission is lead by the Ministry of Foreign Affairs and Culture, and is the only inter-ministerial mechanism in Costa Rica with a mandate and competency in issue areas pertaining to atrocity crimes prevention.

Mandate

The mandate of the CCDIH concerning International Humanitarian Law is drawn from Costa Rica's obligations in this area as party to various international treaties, regional agreements and national regulatory legislation. It is charged with the duties to advise in matters of compliance with legal obligations of this nature, as well as to assist in the implementation and dissemination of regulations in this field. It is therefore well suited in its mandate to accept the agenda of atrocity crimes prevention, as the field of IHL holds many tools for prevention.

Specifically, the CCDIH has a mandate to carry out the following functions:

1. Make recommendations to the Executive on measures to be taken to implement the international legal provisions in force in the area of International Humanitarian Law;
2. Advise the Executive in the drafting of bills and regulations to ensure Costa Rica meets its international obligations in the field of International Humanitarian Law;
3. Promote, encourage and support the dissemination of International Humanitarian Law in the institutions of the State and society in general, and taking appropriate action for this purpose;
4. Attend Meetings, seminars and conferences related to International Humanitarian Law, with the nomination of the Executive;
5. Promote and collaborate with the academic authorities of the country in the incorporation of International Humanitarian Law in educational curricula; and
6. Suggest actions to contribute to the implementation and enforcement of International Humanitarian Law.

Structure

The Commission consists of three subcommittees, which manage various aspects of the work of the body. They are: Rules/Standards, Outreach and Education, and Protection of Cultural Property.

The Commission consists of membership by the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice and Peace, the Ministry of Public Security, the Ministry of the Presidency, the Ministry of Health, the Ministry of Culture and Youth, the Attorney General's Office, the Judiciary, the Legislature, the Office of the Ombudsman, the University of Costa Rica, the National University, the National Council of Rectors, the Costa Rica Red Cross, and the Bar Association of Costa Rica.

Costa Rica



The Commission for International Humanitarian Law of Costa Rica (La Comisión Costarricense de Derecho Internacional Humanitario - CCDIH)

Thus, this body has a membership that represents the whole of government, as well as membership from other sectors of society such as academia and civil society that are extremely important to the development and implementation of effective preventive policy within the country. The efforts of Costa Rica in this area show that a government need not establish a new body as a National Mechanism, but can instead place this agenda under the mandate of an existing mechanism that has the important characteristics we have detailed throughout this Booklet.

Outputs

The CCDIH has noted a number of outputs that contribute to the prevention of atrocity crimes in Costa Rica. Firstly, under the impetus of the Subcommittee on Rules and Standards, the Costa Rican Legislature has begun the process of incorporating the protection of persons and property under International Humanitarian Law into the national Penal Code. Specifically, the drafted bill pertains to “Offenses Against Human Rights” and “Crimes Against Persons or Property Protected by International Humanitarian Law.” The bill is awaiting discussion in the first debate by the plenary of the deputies of the Legislative Assembly.

Additionally, the Commission is currently working to address the status of the implementation of current international law pertaining to atrocity crimes in the national Penal Code. At this time, the crime of genocide is stipulated in Article 375 of the Code, however the stated law does not meet current international standards in this regard according to the Commission, particularly

in accordance with the Rome Statute of the International Criminal Court, of which Costa Rica is a signatory. Therefore, the Commission is recommending that Article 375 be amended to include specific acts of torture and forced disappearance, which differ from those crimes committed on a massive scale, whether within the context of an armed conflict or outside of one.

Regarding its mandate to disseminate IHL, there are a number of activities the Commission has highlighted within the framework of its 10th anniversary specifically pertaining to work with state institutions and civil society. The Commission has been involved in the development of training programs for various actors from these sectors, including state security forces and legislatures.

Additionally, the CCDIH organized a series of workshops in preparation for the XXXII International Conference of the Red Cross and Red Crescent, which was held from December 8-10, 2015 in Geneva, Switzerland. The first workshop was held on March 4, 2015 and consisted of an introduction to IHL in the headquarters of the Bar Association with participation from civil society and the legal profession.

Regarding the mandate for collaboration with academic authorities, a partnership was recently established by the Commission with the University of Costa Rica’s Faculty of Law, and a similar partnership has been solidified with the National University, which is offering to manage a series of activities with the Commission beginning in 2017.

Costa Rica



The Commission for International Humanitarian Law of Costa Rica (La Comisión Costarricense de Derecho Internacional Humanitario - CCDIH)

Beyond these outputs, the Commission has been very active in communicating with the general public on issues concerning IHL and by extension, atrocity crimes prevention. It has participated in various radio programs, such as Radio Universidad de Costa Rica to speak about these topics and their importance in the every day lives of civilians. Also, the CCDIH sponsored the Race of the Red Cross in Costa Rica, which welcomed the participation of over 3,000 runners and carried messages of IHL promotion and prevention of atrocity crimes.

Additionally, the CCDIH played an important role in the organization of the 2014 Global Action Against Mass Atrocity Crimes meeting held in San Jose. The program was developed by the Ministry of Foreign Affairs in coordination with the governments of Denmark, Argentina, Switzerland and Tanzania to bring together representatives from government and civil society around the world who serve as focal points for atrocity crimes prevention. Additionally, members of the CCDIH have participated in multiple training seminars held by AIPR in conjunction with its membership through the Ministry of Foreign Affairs in the Latin American Network for Genocide and Mass Atrocity Prevention.

Finally, the CCDIH is represented in the Latin American Network for Genocide and Mass Atrocity Prevention, through the Focal Point of the Ministry of Foreign Affairs. Through this participation, the Costa Rican Government has sent its officials to regional training programs on atrocity crimes prevention under the auspices of the Network.

Additionally, a number of national training programs for civil servants and members of civil society have been conducted through its membership in the Network and in cooperation with AIPR, further extending the expertise of CCDIH officials in this field.



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Part III

Tools for the Development & Consolidation of National Mechanisms

Spotlight on Ecuador

Common Challenges and Innovative Solutions

Conclusion and Lessons Learned

Spotlight on Ecuador

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As of the date of this publication, Ecuador does not have a National Mechanism for the prevention of atrocity crimes as defined by this Booklet's description. Nevertheless, there is a great deal of prevention work being done through the country's legal reparations process that involves the coordination of multiple government offices and ministries. These efforts may be laying the groundwork for a National Mechanism to be established in the near future.

Following the efforts of the Ecuadorian Truth Commission, which was established to investigate and analyze gross violations of human rights by the State between the years of 1983 – 2008, a law for victim reparations was enacted to create a process for adjudicating such claims. One of the main purposes of this statute is to provide a guarantee of non-repetition to victims and their families, with the goal of preventing the country from cycling back into the violence of the past. The Office of the Ombudsman has been given the mandate to administer this process under the law. Following a series of resolutions in 2014, a special Section for the Reparations of Victims was created within the Office of the Ombudsman and cases were undertaken beginning in February of 2015.

In order to carry out this process, it has been necessary for the Ombudsman to strengthen its partnerships with several State institutions, including local government offices around the country. For example, in developing memorials, sites of conscience, and symbolic spaces for memory in various parts of Ecuador, the Office of the Ombudsman has collaborated with the Ministry of Culture and Heritage, as well as local government offices to administer such measures. Additionally, the Ombudsman has partnered with the Ministry of Public Health to provide proper health care and rehabilitation programs to victims and their families around the country.

The Ministry of Labor has worked with the Ombudsman to assist victims and their families in finding employment, and the Ministry of Education has been involved in efforts to modify school curricula to include concepts of human rights, multicultural understanding, and gender-based rights, as well as a description of the events of 1983 – 2008 as determined by the Truth Commission in its final report.

All of the described measures are part of a robust transitional justice process currently occurring in Ecuador, but what is also very promising is that the Office of the Ombudsman has led in the coordination of many departments within the government to administer this preventive programming. While a National Mechanism that would tackle broader risk areas for atrocity crimes has not yet been established, the reparations process has many qualities that are indicative of the emergence of a Mechanism in the future. It is, therefore, most appropriate for this Booklet to highlight the activities of Ecuador on the prevention of atrocity crimes.

Common Challenges & Innovative Solutions

A number of the National Mechanisms featured in this Booklet have existed in various forms for multiple years, and so it is timely to discuss some of the challenges they are facing in effectively carrying out their mandates, as well as the innovative solutions they have developed to meet such challenges head-on.

Despite the varying geographical landscapes and even more diverse political and social narratives, a number of the challenges faced by National Mechanisms do share common themes. For example, we have seen that states establishing new bodies face difficulty in formally integrating the Mechanism into the government, such that it becomes an official body with resources allocated towards its mandate. This has been the experience of the Kenyan, Ugandan and Tanzanian National Committees, for example, in that they are still waiting for proper legal integration through the necessary bureaucratic processes.

Without this formalization, members have difficulty taking time from their main positions to carry out programming and activities of the Mechanisms, as they may not receive official leave to accomplish this work. Additionally, without proper funding from the legislature, the Mechanisms are obliged to seek resources from outside organizations to carry out their activities or pull resources from other pots of funding, which is not a sustainable practice. The lack of resources proves to be among the mechanisms' most challenging obstacles to overcome. However the Tanzanian, Ugandan and Kenyan National Committees have been successful in finding outside funding to carry out training programs, memorialization projects, and early warning activities while concurrently working towards institutionalization.

As the Tanzanian National Committee Chairwoman, Felistas Mushi, states: "Our biggest strength as a Committee is our individual and collective commitment to prevention work. Despite all the challenges, the Committee has been able to accomplish what we have thus far because of this commitment, which has given us a great deal of credibility."

Similarly, the United States Atrocities Prevention Board, though established through a Presidential Directive, does not manage or direct its own resources and therefore faces difficulty with the swift implementation of prevention policies. Members of the US Congress are currently working towards a formal allocation of resources in part through the passing of the Genocide and Atrocity Prevention Act. In the meantime, however, the APB has been successful in directing support from the individual agencies' budgets to carry out training programs and other activities.

A final challenge, posed by a number of the Mechanisms, is a lack of engagement with the general public to raise awareness about issues of atrocity crimes prevention. It can be difficult to reach a broader audience, particularly for bodies like the APB whose work is often highly classified. Still, the Mechanisms have found innovative solutions to this problem. For example, the South Sudan National Committee has publicized its efforts through various media outlets, including radio shows, to speak with the broader public about current crises and the important work being conducted to prevent atrocity crimes, which individual citizens can play a role in.

Common Challenges & Innovative Solutions

The same can be said of the Costa Rican Commission on International Humanitarian Law, which has participated in a number of radio programs, as well as public activities such as marathons, to promote their message to the general public.

In addition to these shared challenges, in more urgent contexts, such as South Sudan and the DRC, we see the need to balance long-term prevention strategies with more immediate approaches in conflict management by National Mechanisms. Both the National Committees of South Sudan and the DRC have highlighted the challenge in responding to current abuses while also taking a long-term approach to atrocity crimes prevention. However, each have noted that working with partners in the government and in civil society can increase their ability to tackle multiple agendas in this regard. Thus, Committee Members have taken to this type of outreach. Additionally, as noted earlier in this publication, the DRC has established provincial mechanisms in certain parts of the country to work on more specialized issues in those communities. This approach has proven to be a more effective tool for carrying out the mandate of the Committee.

Challenges are an inevitable aspect of the work of prevention, but it is evident that the commitment to overcome these challenges is ever-present among the members of the National Mechanisms featured here.

In realizing the words of Chairwoman Mushi, each country is working towards innovative solutions through various means, efforts which AIPR will continue to support.



Tanzania's National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

Conclusion & Lessons Learned

In reviewing the outputs and activities of the National Mechanisms, AIPR would like to highlight a small collection of lessons learned. Perhaps the most important of those lessons is that a Mechanism for atrocity crimes prevention does not necessarily need to be fully institutionalized within the central government to begin carrying out its stated mandate. We have seen this with the National Committees of Kenya, Uganda, the DRC, and Tanzania, as well as in certain ways through the work of the U.S. Atrocities Prevention Board and the Paraguay National Commission for the Prevention of Genocide and Mass Atrocities.

In the same vein, a Mechanism also does not necessarily need its own resources to hold programming such as trainings, peace forums and other meetings at the outset of its existence. Collaboration with outside partners, whether regional or international civil society organizations, foundations, or donor governments, has proven to be an effective method for gathering resources and expertise to hold programming under the Mechanisms' stated mandate. Additionally, the role that Mechanisms play in information gathering and assessment has also not been prohibited by a lack of formal institutionalization. As long as the members representing various departments of the government and other societal sectors are present and committed to the mandate, information has, in many cases, flowed and been utilized to issue formal policy recommendations to the proper authorities concerning early warning for potential crises.

That being said, it is also clear from our discussions with various members of National Mechanisms that the long-term sustainability of these bodies, as well as their effectiveness over the coming years, depends on this formal integration and allocation of budget resources. This is why we see the Mechanisms pursuing institutionalization alongside their ongoing activities.

Overall, based on the experience of existing mechanisms, establishment of such bodies tends to require consideration of the following issues:

Mandate: The establishment of a National Mechanism often requires that a government take a strong policy position on atrocity prevention as a national priority. This will help along the way, as the actions of the mechanism can be framed as part of that policy. In the case of the ICGLR region, the 2006 Protocol, which mandated the establishment of a regional committee and constituent national committees, forms our main point of departure.

Membership: The main question to be considered is what areas of government and society as a whole should be represented and why? We call for comprehensive membership. This would go beyond government; we consider that CSOs are also key partners in the prevention agenda, whether they play a formal advisory role or sit alongside government members on the mechanism.

Conclusion & Lessons Learned

Structure: It is important to consider both horizontal and vertical aspects. Horizontally, because all relevant departments must be included; vertically, because mechanisms might define policies that need to be implemented by different agents in the national administration, including regional and local powers. This might be easier to see in federated states, but it is not exclusive to them.

Goal: It is important to emphasize that the goal is to design unified national policies for the prevention of genocide and other atrocity crimes, and that there is an emphasis on upstream prevention. This means that the National Mechanism aims to address the steps which lead to the process of killing, that is to say: to take measures before we see any victims of the atrocity crime(s).

Function: Two main functions: 1) to design, implement and coordinate national policies. But, prior to that: 2) to carry out a system-wide assessment of strengths and weaknesses from the perspective of atrocity prevention. Ideally, the results of the assessment should lead the discussion on functions.

Outputs: There is the constant need for concrete achievements in order to maintain momentum, including trainings, national strategies, inter-ministerial forums, and other programming. The National Mechanism needs to display value added to ensure its sustainability.

Impact: Ideally, a method of impact evaluation should be integrated into the process of the establishment of a National Mechanism. The Mechanism should also be flexible in amending its work plan in order to take the results of any evaluation into account.

Budget: There can be international assistance in the short term, but Mechanisms must be self-sustaining, which requires the inclusion of the Mechanism in the national budget. This step constitutes a true indication of the level of importance that a national government grants to the establishment of a National Mechanism.

These lessons are important to note for those countries working to establish their own National Mechanisms within the particular context of their government structure and the societal conditions concerning atrocity crimes prevention. We hope that showcasing not only the successes, but also the challenges faced by existing bodies will be informative to other countries working towards similar goals in prevention.

Genocide and other atrocity crimes are complex social problems that must be addressed effectively by the societal collective as a whole. Thus, the state must employ “a whole of government” approach to the prevention of such crimes, bringing all representatives who have responsibilities in prevention to the table. It is not the role of National Mechanisms to be the sole body of government tasked with thinking about prevention. Instead, it is meant to be the part of government tasked with making sure the entirety of the State is thinking about, and working towards, prevention.

Conclusion & Lessons Learned

The National Mechanisms featured in this year's Booklet aim to protect members of vulnerable populations within their borders and regions. AIPR looks forward to continuing to work in support of these efforts and to monitor their impact on the field of atrocity crimes prevention.

In light of this goal, AIPR will facilitate communication with any of the officials or bodies included in this publication in order to further collaborative projects in support of National Mechanisms for the Prevention of Genocide and other Atrocity Crimes. We encourage the sharing of best practices and experiences in the development and consolidation of these Mechanisms.

The Auschwitz Institute for Peace and Reconciliation is committed to producing annual updates to this publication: *National Mechanisms for the Prevention of Genocide and other Atrocity Crimes*, as the Mechanisms described in this Booklet continue to develop and new Mechanisms are formed. Each annual edition can be found at www.auschwitzinstitute.org.

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