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**Elimination of racism, racial discrimination,
xenophobia and related intolerance**

Promotion and protection of human rights

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

Letter dated 13 February 2025 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am transmitting herewith the summary report of the fifth Global Forum against the Crime of Genocide, held on 12 and 13 December 2024 in Yerevan (see annex).

I kindly ask that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 69, 71 and 132, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative



Annex to the letter dated 13 February 2025 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Chair's summary

Report of the fifth Global Forum against the Crime of Genocide Yerevan, 12 and 13 December 2024

On December 12-13 Armenia hosted the 5th Global Forum against the Crime of Genocide. The Forum was organized with the support of the Special Adviser of the UN Secretary General on the Prevention of Genocide and in close cooperation with the International Association of Genocide Scholars and the Global Action Against Mass Atrocity Crimes (GAAMAC) and was dedicated to the issues around the strengthening of the effectiveness of international mechanisms for early warning and early response to the risk of genocide and other atrocity crimes.

Throughout discussions eminent experts, representatives of states, international organisations, UN Special procedure mandate holders, civil society and academia looked at the role that small states can play in shaping and moving forward the prevention agenda, examined the evolution of the UN early warning and early response mechanisms, focusing on the necessity to improve operational and policy coherence. Participants also deliberated on functions and roles of various regional and global organisations as well as global judicial bodies and discussed the gaps of overall multilateral architecture.

Speakers for **the Plenary session on the “Evolving risk factors for genocide and other atrocity crimes and role of small countries in promoting the genocide prevention agenda”** shared the understanding that the actions and policies against minority groups and aggravated forms of hate speech and hate crimes must certainly serve as an alarming sign. They also discussed the cases where small like-minded states unite and take a leadership to reform both the instruments for mutual legal cooperation and advocate for revisiting the existing bodies who bear primarily responsibility for maintaining peace and security globally. Most prominently, the issue of veto in UN Security Council as well as deepening confrontation and the lack of cooperation in this vitally important institution popped up.

Panelists highlighted the multifaceted nature of prevention which is first and foremost security issue. One of the proposals to this end would be the consolidated support by small like-minded nations to the initiative of eliminating the veto in cases where mass atrocity crimes are involved. There was an acknowledgement that the Article 99 of the UN Charter has not been fully utilized and there is a clear need to exhort more efforts on the parts of the Secretariat and the Secretary General of the United Nations.

Panelists looked at the critical question of threshold in genocide recognition and instances when it is exclusively tied to Courts verdicts stressing that in some cases latter may undermine prevention efforts.

The question of state responsibility has been stressed by multiple participants. The International Court of Justice in its judgement of 26 February 2007 clearly articulated on the duty of state to prevent genocide. From that perspective the importance of UN Framework analyses for atrocity crimes for identification, monitoring and response has been emphasized. Small states can take a leadership in shaping new legal frameworks to fight impunity and foster cooperation. Most recently, emergence of a new international treaty: Ljubljana - The Hague Convention on

International Cooperation in The Investigation and Prosecution of the Crime of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes provide consolidated toolbox for collaboration.

Panelists also looked at growing complexities and emerging trends that contribute to atrocity crimes, among others exploring the role of social media and the ICT.

The first Panel examined the Development of UN early warning mechanisms since the very inception of the organization and adoption of two fundamentally important documents – the Charter of the United Nations and the Genocide Convention. References were made to the work of the great scholar Raphael Lemkin as bases for future detection and prevention efforts such as the Whitakers Report, which, among others recommended the creation of permanent International Criminal Tribunal. Despite existing toolkits and clear signals from the field, there were instances where international system didn't respond adequately. Furthermore, there was absence of understanding of gravity of the past failures - lessons known but not applied.

Panelists looked at the examples of “pre-UN” fact finding missions and inquiries to the post WWI war crimes and mass atrocities and stressed the importance of documentation, preservation of memory as well as responsibility of the state to ensure access to the territory where the crimes have been committed.

Panelists agreed that today, when the number of violent conflict tripled and the world faces largest number of displacement, the issues of prevention are as relevant as ever. Many of those conflicts though internationalized at certain stage, still have a persecution of minority within a state as a root causes and drivers that condition further deterioration. With the rise of dehumanization and hate speech against protected groups, coupled with global economic and environmental challenges – we now have a “condition for a perfect storm”. Some Panelists asserted that the United Nations is not necessarily equipped to deal with those complexities of intra state issues. The same applies to the adequately sophisticated prevention architecture at the part of the UN agencies who work at the field as well as in the headquarters (DPA).

The Panelists discussed the role of media and other actors such as special procedure mandate holders in detection of early warning signs. Examples from the South Caucasus region were brought up to demonstrate the instances where a deliberate siege of the indigenous ethnic population has been a state-orchestrated prelude for subsequent ethnic cleansing. Speaking about the same case – the policy of deliberate destruction of cultural and religious monuments was singled out as an element of erasure and another genocidal act

At the legal level the challenge to prove the intent of genocide may prolong the urgent interference and action on the ground. Issues of fight against impunity and persecution of perpetrators largely focus on the ability of data collection and preservation of evidence, including mass graves, in line with international best practice.

The Second Panel was dedicated to the **“UN early response system: necessity to improve operational and policy coherence (cases of gross human rights violations against protected groups)”**. It aimed at exploring how the UN system can become more proactive and effective, emphasizing the need for legal, political, and social mechanisms to align in preventing crises, rather than merely reacting to them. It also tried to examine the primary legal or institutional obstacles to improving the UN's early response capabilities by looking at the most acute situations where catastrophic consequences are unfolding at the moment. Panelists stressed the issues of accountability for use of force, noting that international law prescribe strict limitations, but tragically those bidding obligations are violated in increasingly

alarming scale. The basic tenants and principles of international humanitarian law such as distinction, proportionality, precaution are capsized and “turned on their heads”.

The Panel also centered the discussion on the role of fact-finding missions, whose primary goal is to establish disputed facts through impartial investigations, pointing on the unwillingness or the lack of consent by the target state to allow the operation of the mission as a major obstacle for the mission to act.

At the same time, Panelists emphasized that fact finding missions can dispatch their duties by witness testimonies and more recently – by the use of technologies such as satellite imagery while also trying to engage all parties involved. The Panelists also acknowledged the risk of politicization of certain mandates as they are established by member states with diverse political interest. The intertwining yet distinctive nature of international humanitarian law and international human rights law has been pointed out. Contemplating on the role of the ICC, Panelists noted that an early referral to this judicial body may play an important preventive role and deter the violations.

Panelists delivered a presentation on hybrid tribunals invented and put to the operation by the UN. Overall the criminal trials can have restorative impact on affected communities, also contributing to reconciliation and redress to victims. Though the legal bases for such Courts may vary, there’s a shared understanding reflected also in HRC resolutions on the premises of their work. At the same time – the very agreement to set up a hybrid tribunal can be a challenge. Success of a tribunal would eventually come down to the approval on the ground by the native populations.

The Panel has also looked at the establishment and the activities of the UN Office for Genocide prevention and responsibility to protect whose mandate crystalized in 2004 by encompassing the collection and analyses of information, alerting the UNSG, making recommendations for mitigating the risk factors and working with the rest of UN system to enhance the capacity to prevent. Office collects the information primarily from the UN system but also from wide range of other actors such as member states, regional organisations, NGOs and national human rights institutions. Office looks both at structural weaknesses and dynamic elements of particular situation. The importance of institutionalization of cooperation between the Special adviser on Prevention of Genocide and the UN bodies has been stressed.

The resolution biennially presented by Armenia in the Human Rights Council mandated such interaction and requested regular briefings by the SAPG to the HRC. This provides the SAPG not only with the opportunity to present the thematic issues but also refer to number of situations across the globe. It is important for the Office to have similar institutionalized engagement with the Security Council.

The Third Panel looked at the role of diverse “international actors in identification of risk factors of atrocity crimes and early action in cases where preventive measures may be required”. Here the issues around humanitarian law and humanitarian cooperation were stressed. Crimes against humanity, their prevention and overcoming the consequences are multifaceted and challenging task that entails dealing with issues like missing persons, denial of humanitarian access and lack of political will towards reconciliation. Panel also discussed the role of parliaments as well as regional organisations that must serve as fora for ensuring the states uphold their commitments and are ready to engage in dialogue.

Panelists asserted the raising volume and severity of violent conflicts have particularly heavy toll on civilians. The issues of fight against impunity and persecution of perpetrators largely center on ability of data collection and preservation of evidence, including mass graves, in line with international best

practice. The role of international organisations, including NGOs can be instrumental in this regard.

The Panelists articulated on the evolution of mandate created by the UN directly specialized on the right to truth, justice and guarantees of non-recurrence. There's a shared understanding that concepts around non-recurrence are organically tied to prevention and transitional justice. Throughout the years, mandate holders increasingly acknowledge the role of education and memorialization in addressing the grievances of various affected communities and preventing future violations. The examples of joint studies between the SR on Truth and Justice and the UN SG SAPG on preventing genocides, war crimes and crimes against humanity were presented. The study pointed weak commitments, insufficient investments in prevention measures, late intervention and fragmentation of knowledge as major obstacles for prevention.

Panelists highlighted the fact that gross violations are sometimes perceived as a bilateral issues between the states and such lances and the politically motivated need to maintain the parity between victims and perpetrators significantly harm justice and prevention efforts.

Participants discussed the important role of regional organisations as elaborated systems for standard setting, monitoring and fact finding. Though not directly dealing with genocides, they have created the tools and binding mechanisms for addressing the issues of racism, xenophobia, torture and number of other violations and protecting minorities and marginalized groups.

Local actors and internal movements for prevention have been noted by the Panelists. In many cases the serious activism can be a game changer for situations of concern. And just the opposite conflict fatigue, apathy and desensitization may be seen as a sub-risk factor to delay the action. Panelists emphasized that unresolved consequences of genocides may perpetuate the circles of crimes and injustice.

The Forth Panel examined **gaps and challenges in international legal and policy frameworks**. Panelists stressed the most prominent role of the international justice system in particular – international courts such as the ICJ and the ICC, as well as regional courts such as the European Court of Justice as fundamentally important actors at all stages of prevention and accountability process.

The Rome statute and the work of International Criminal Court as a body specifically designed to address the violations of international criminal justice were elaborated, exploring the link between peace and justice. Panelists stressed that both ratification and desertification of the Rome Statute play an important deterrent role. At the same time, the instances where support to the Court is being conditioned by highly political motivations is posing serious challenge.

Panelists touched upon the issues of hierarchy among the most serious crimes – genocides, crimes against humanity and war crimes – with the genocide perceived as the “crime of crimes”. Various academic perspectives were presented in this regard while also stressing that consistent and non-discriminatory accountability for the most egregious crimes is absolute necessity for the prevention of such crimes with enforcement being a priority in this regard. At the same time while political will to prevent might be failing to deter such crimes, the international legal tribunals for adjudication, most prominently the ICJ seem to be taking a greater role in what was described as a “judicial fight back”. Panelist shared the view of prominent legal professionals the enforcements of judgements of the ICJ may be deemed successful when part of a “web of effective enforcements” featuring also political, social and other elements.

Panelists have also drawn clear links between prevalence of the rule of law domestically and enforcement of international law. It is also evident that while international law faces unprecedented challenges, there's a growing number of states, in particular small states that resort to international courts where there is a rapid increase in number of cases. States apply to the ICJ not only for the Genocide Convention but also other binding legal instruments such as International Convention on the Elimination of all Forms of Racial Discrimination as there is an increasing understanding that the lack of rule of law will translate into breaching the fundamental principles of international law. Simultaneously autocratic states view international justice system as an impediment to conduct power politics, some may go as far as calling the court proceedings "impediments to peace" whereas the very mission of the international courts is the peaceful and civilized resolution of disputes.

Contemplating on the issues of definition of "genocide" panelists stressed that with certain levels of flexibility it still has limits and cases of mass violence on the margins of the definition are often excluded from the category. There's a danger that perpetrators may manipulate and abuse this legal uncertainty.

Panelists also noted that the study of intention to commit genocide still centers on dehumanization which sometimes can be the consequence and not a cause. At the same time other drivers, including cultural and psychological ones, related to perpetrators such as sense of superiority or entitlement should be discussed.

Returning to the Convention on Genocide some panelists noted that it is unique legal instrument that unlike other treaties prescribes the duty to prevent the crime anywhere, within and beyond national borders. The preventive role of international Courts in this regard is the determination of situation when there is a plausible risk of genocide or other atrocity crimes and taking early action to that end. The indictment can be an example of such early action.

Panelists and participants of the Global Forum stressed the importance of progressive development of international legal framework. It was noted that the process of elaboration of a new international Convention on the Crimes against humanity based on the draft articles put forward by the International Law Commission provide states and other stockholders with an opportunity to address existing gaps in fighting impunity for the most serious violations of international human rights and international humanitarian law.
