

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SPRINGFIELD DIVISION

SEXUAL MINORITIES UGANDA

Civil Action

3:12-CV-30051 (MAP)

Plaintiff,

v.

SCOTT LIVELY, individually and as President
of Abiding Truth Ministries

Defendant.

EXPERT REPORT OF DR. JENNIFER LEANING

I. EXPERT CREDENTIALS

As an emergency physician and public health expert, I have held senior positions in U.S. academia and clinical medicine. Currently, I am the Director of the François-Xavier Bagnoud Center for Health and Human Rights at Harvard University, the FXB Professor of the Practice of Health and Human Rights at Harvard School of Public Health, Associate Professor of Medicine at Harvard Medical School, and faculty in the Department of Emergency Medicine at Brigham and Women's Hospital. I have field experience in the assessment of public health issues and violations of human rights in a range of crisis situations, including in Afghanistan, Albania, Angola, Kosovo, the Middle East, Pakistan, former Soviet Union, Somalia, the Chad-Darfur border, and the African Great Lakes region. My areas of field research and writing have focused over the last thirty years on identifying violations of human rights and international humanitarian law in conflict and post-conflict settings throughout the world. As a consequence, I have acquired deep expertise in the assessment of the progression and outcomes of atrocity crimes. In the last fifteen years I have been active in international academic and policy circles where representatives of civil society participate in formulation of strategies for early warning and early action against these crimes.

My *curriculum vitae* is attached as Appendix A.

II. SCOPE OF WORK

Plaintiff Sexual Minorities Uganda requested that I analyze the situation of the lesbian, gay, bisexual, transgender, and intersex ("LGBTI") population in Uganda through an atrocity crimes prevention lens. Specifically, I conducted research using the Framework of Analysis for Atrocity Crimes of the United Nations Office of the Special Adviser on the Prevention of Genocide and the Responsibility to Protect¹ ("the Framework"). The Framework is attached as Appendix B.

I have conducted this analysis on a *pro bono* basis with Plaintiff reimbursing for costs associated with this undertaking and any testimony in connection with this report. I have reviewed the materials cited herein and the depositions of the parties.

III. SUMMARY OF OPINION

On the basis of my expertise, described above, relying upon a wide variety of sources cited herein, and using the Risk Factors and Indicators of the Framework, it is my opinion that:

1. The LGBTI population in Uganda suffers from intense stigmatization and severe discrimination, including denial of basic, fundamental rights, in ways that are systematic and widespread.

¹ United Nations Office on Genocide Prevention and the Responsibility to Protect, Framework of Analysis for Atrocity Crimes, U.N. Doc. 14/58530 (2014), http://www.un.org/en/preventgenocide/adviser/pdf/framework%20of%20analysis%20for%20atrocity%20crimes_en.pdf [hereinafter UN Framework of Analysis].

2. There exists a high risk for further escalation of atrocity crimes against the LGBTI population in Uganda.

IV. INTRODUCTION AND METHODOLOGY

This Report introduces the Framework, identifies structural and dynamic risk factors within the state of Uganda for the commission of atrocity crimes against the LGBTI community, and analyzes the triggers that might lead to escalation from what is now a persecutory context of oppression, fear, and systematic abuse to one of even more widespread atrocity crimes.

Atrocity crimes, as referred to in this Framework, include three legally defined international crimes: genocide, crimes against humanity, and war crimes.² The Framework derived from a lengthy process of in-depth study by experts to analyze systematically legal findings and case studies of historical and contemporary atrocity crimes. Two strands of research and policy have come together in the development of the Framework: the strand linked to the prevention of genocide³ and the strand arising from the analytic policy implications of the Responsibility to Protect, or R2P.⁴ The study led to a distillation of repeatedly observed events and factual findings in international and national criminal tribunals regarding the recurring patterns in the commission of atrocity crimes. The purpose of the Framework is to provide a reliable, evidence-based set of criteria to assess the current situation of and risks to vulnerable or targeted communities and to determine appropriate interventions to protect at-risk populations from further escalation of atrocity crimes.

² *Id.* at 1.

³ The literature on genocide over the past 25 years has called upon the development of a capacity for early warning of indicators of genocide, with the aim of mobilizing the international community to intervene early in order to prevent the genocidal process from unfolding. See *Genocide: Essays Toward Understanding, Early Warning, and Prevention* (Roger W. Smith ed., 1999); Carol Rittner, John Roth & James M. Smith, *Will Genocide Ever End?* (2002); *Reconstructing Atrocity Prevention* (Sheri P. Rosenberg, Tibi Galis & Alex Zucker eds., 2015). The paradigm now is to try to prevent all atrocity crimes and not just genocide. See David Scheffer, *Genocide and Atrocity Crimes*, 1 *Genocide Studies and Prevention* 229, 229–50 (2006).

³ The concept of the responsibility to protect grows out of the debate in the 1990s, in the wake of the wars in the Former Yugoslavia and Rwanda, where in each instance the unfolding events provided identifiable points in the escalation where, had there been what was called ‘political will,’ international intervention against a sovereign state might well have protected the attacked civilians from outrages and death. In full exploration of the problem of political will, analysts acknowledged that provision of early information, in terms of actionable warning, might strengthen pressure on politicians to act. The report of independent international experts (The Report of the International Commission on Intervention and State Sovereignty. The Responsibility to Protect. International Development Research Centre. Ottawa, 2001) propelled the discussion and led directly to the Outcome Document of the 2005 World Summit, paras. 138, 139, 140. Adopted by the UN General Assembly in Resolution 60/1 and first reaffirmed by the UN Security Council in Resolution 1674 (2006).

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The UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect have employed the Framework to assess situations involving at-risk populations globally, including in Syria, Sudan, South Sudan, Guinea, Libya, Cote D'Ivoire, Kyrgyzstan, Sri Lanka, and North Kivu.⁵

The Framework presents categories of risk for—and, within these categories, indicators of—atrocity crimes.⁶ Risk factors that apply across all atrocity crimes are:⁷

1. Situations of armed conflict or other forms of instability
2. Record of serious violations of international human rights and humanitarian law
3. Weakness of State structures
4. Motives or incentives
5. Capacity to commit atrocity crimes
6. Absence of mitigating factors
7. Enabling circumstances or preparatory action
8. Triggering factors

The Framework also lays out risk factors and indicators that may be unique to a specific atrocity crime: Risk Factors 9 and 10, for example, refer to genocide and Risk Factors 11 and 12 refer to crimes against humanity.⁸

This distillation, as presented in the Framework, now allows observers and analysts of atrocities to discern authoritatively derived indicators within a given risk factor against which to assess empirical fact pictures and ongoing developments within their own societies and in particular contexts. The internal logic and methodology of this Framework invoke a dimension of time, whereby information about a set of events or inputs provides seasoned analysts and responsible actors with an awareness of accumulation of risks or intensification of indicators over a period of months and years.

This cumulative fact picture, employing assessment of risk factors and presence of particular indicators of intensity and escalation in a specific context, permits what the UN terms “early warning” of atrocity. Early warning is “the collection, analysis and communication of information about escalatory development of situations that could potentially lead to genocide, crimes against humanity or massive and serious war crimes,”⁹ to enable states and international institutions to undertake appropriate and effective preventive measures.

An analysis of this kind does not require that all risk factors be present or that all indicators within each risk factor be fulfilled. The historical, geographical, political, or cultural features of a

⁵ Office of the Special Advisor on the Prevention of Genocide, Work of the Office: Country Situations (Oct. 29, 2015), http://www.un.org/en/preventgenocide/adviser/country_situations.shtml.

⁶ UN Framework of Analysis, *supra* note 1, at 5.

⁷ *Id.* at 9-17.

⁸ *Id.* at 18-21.

⁹ Lawrence Woocher, *Developing a Strategy, Methods and Tools for Genocide Early Warning* 7 (2006), <http://www.un.org/en/preventgenocide/adviser/pdf/Woocher%20Early%20warning%20report.%202006-11-10.pdf>.

specific country will make it susceptible to events or trends that in another context might not be likely to recruit social hatreds or exacerbate deadly competition for resources. The Framework presents a capacious array of historically observed factors, some of which tend to cluster tightly together, in order to permit analysts within one country to structure, compare, and assess issues against an authoritative array of atrocity crimes and escalation pathways.¹⁰

The warning is “early” in that the situation under examination in a country or region may not have reached the international legal standard of atrocity crimes,¹¹ and it is a “warning” in that it

¹⁰ UN Framework of Analysis, *supra* note 1, at 6-7. It should be noted that I have not addressed Risk Factors 9 and 10 in this report because those risk factors are limited to an analysis of the risks to the “protected groups” identified in Art. II of the Genocide Convention, *i.e.* “national, ethnical, racial, or religious” groups. However, in my review and analysis of the data cited herein, I have noted with deep concern that many of those indicators are present with respect to the situation of the LGBTI population in Uganda, including, but not limited to: “past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against” this group (Indicator 9.1); “denial of the existence of protected groups or of recognition of elements of their identity” (Indicator 9.2); “history of atrocity crimes committed with impunity against protected groups” (Indicator 9.3); “past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expression of group identity or to perceptions about the targeted group” (Indicator 9.4); “past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnical, racial or religious lines” (Indicator 9.5); and “lack of national mechanisms or initiatives to deal with identity-based tensions or conflict” (Indicator 9.6). UN Framework of Analysis, *supra* note 1, at 18-19.

¹¹ In this report, I rely on the governing definitions of mass atrocity crimes as codified in the Rome Statute of the International Criminal Court. Rome Statute of the International Criminal Court, art. 6-8, July 17, 1998, 2187 U.N.T.S. 90 [hereinafter Rome Statute]. The U.N. Framework of Analysis and all expert interlocutors using the Framework rely on these same definitions. UN Framework of Analysis, *supra* note 1, at 18-21. According to the Rome Statute, the definitions are as follows: “[G]enocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”; “[C]rime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”; “[W]ar crimes” means: (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: (i) Wilful killing; (ii) Torture or inhuman treatment, including biological experiments; (iii) Wilfully causing great suffering, or serious injury to body or health; (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power; (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial; (vii) Unlawful deportation or transfer or unlawful confinement; (viii) Taking of hostages.” Rome Statute, *supra* note 11. For purposes of this report, the mass atrocity crime of “crimes against humanity” is the most germane. The critical aspect of a crime against humanity is that it is an atrocity crime, for example, torture, murder, disappearance, persecution, sexual violence, or cruel and inhumane treatment, which occurs within the context of a widespread or systematic attack on the civilian population. See Jennifer Trahan, Human Rights Watch, *Genocide, War*

provides the international community (including the UN, other international organizations, national governments, and civil society) with an informed and timely depiction of the instability of the situation and potential paths of escalation in all countries where the Framework has been applied. The analysis using the Framework may also demonstrate that atrocity crimes against a given community or population have already occurred or are ongoing and the analysis of risk factors and indicators warns of their continuation or escalation.

I deployed the Framework to assess the current and future challenges, including the risk for mental and physical harm, facing the LGBTI population in Uganda. Specific objectives included: (1) identifying and analyzing the basic structures and dynamics of the country of Uganda relevant to risks and indicators for the perpetration of atrocities against the LGBTI community; (2) collecting information on multiple dimensions of discrimination, social exclusion, and persecution of the LGBTI community in Uganda in order to assess the escalation patterns and tempo of the identified indicators; and (3) preparing an expert report based on this information and analysis.

With a team of researchers assisting me, I analyzed open source historical studies and data cited herein on the conditions in Uganda relevant to our research, including published analyses and media reports covering Uganda's colonial history through October 2015. Then, I applied the Framework to identify whether an empirical or strong inferential basis established the presence of a given risk factor and determine the number of indicators associated with each applicable risk factor.¹²

Under my and Professor Sheri Rosenberg's guidance,¹³ members of the research team also interviewed affected members of the LGBTI community in Uganda to gain a deeper understanding of how reported facts or events had created personal consequences for affected individuals. These interviews were conducted under the protection of and in accordance with

Crimes and Crimes Against Humanity: A Digest of the Case Law of the International Criminal Tribunal for Rwanda (2010), <http://www.hrw.org/sites/default/files/reports/ictr0110webwcover.pdf>; Jennifer Trahan, Human Rights Watch, *Genocide, War Crimes and Crimes Against Humanity: A Topical Digest of the Case Law of the International Criminal Tribunal for the Former Yugoslavia* (2006), <https://www.hrw.org/reports/2006/icty0706/ICTYweb.pdf>.

Rome Statute of the International Criminal Court art. 6–8, July 17, 1998, 2187 U.N.T.S. 90 [hereinafter Rome Statute]. For purposes of this report, the mass atrocity crime of “crimes against humanity” is the most germane. The critical aspect of a crime against humanity is that it is an atrocity crime, for example, torture, murder, disappearance, persecution, sexual violence, or cruel and inhumane treatment, which occurs within the context of a widespread or systematic attack on the civilian population. *See also* HUMAN RIGHTS WATCH, GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY: A DIGEST OF THE CASE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (2010), <http://www.hrw.org/sites/default/files/reports/ictr0110webwcover.pdf>. HUMAN RIGHTS WATCH, GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY: A TOPICAL DIGEST OF THE CASE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (2006), <https://www.hrw.org/reports/2006/icty0706/ICTYweb.pdf>.

¹² In addition to the materials cited herein, I received from Plaintiff the depositions of F. Mugisha, R. Lusimbo, and S. Lively, and reviewed the First Amended Complaint in *Sexual Minorities Uganda v. Scott Lively*.

¹³ Professor Sheri Rosenberg, former Director of the Cardozo Law Institute in Holocaust and Human Rights and the Human Rights and Atrocity Prevention Clinic, was originally the lead expert in providing this analysis. I assisted her in conceptualizing and planning this analysis. After her death in May, I agreed to take the lead role as expert in this matter and have been assisted by the Cardozo Law Human Rights and Atrocity Prevention Clinic under the interim leadership of Professor Carolyn Patty Blum.

rigorous methodology approved by the Yeshiva University Institutional Review Board. These interviews do not form a part of my findings, and I have not relied on them in the formation of my opinion.

V. APPLICATION OF THE FRAMEWORK

The evidence amassed leads to substantial validation that LGBTI people in Uganda have suffered from severe discrimination and systematic deprivations of their fundamental rights and are at risk for continued perpetration and escalation of atrocity crimes. Documentation for many of the Framework’s risk factors and their indicators gathered during this assessment indicates that the situation in Uganda must be closely watched for signs of further progression into instability and additional targeting of the LGBTI community. The analysis presents a dense, multifaceted distribution of risks and indicators for continued and heightened risk in Uganda. (See Table 1.)

Table 1: Presence of Framework Risk Factors in Uganda

| | Common Risk Factors for Atrocity Crimes | Number of Indicators Present |
|----------------|---|-------------------------------------|
| Risk Factor 1 | Situations of armed conflict or other forms of instability | 10 out of 11 indicators present |
| Risk Factor 2 | Record of serious violations of international human rights and humanitarian law | 8 out of 8 indicators present |
| Risk Factor 3 | Weakness of state structures | 7 out of 10 indicators present |
| Risk Factor 4 | Motives or incentives | 6 out of 9 indicators present |
| Risk Factor 5 | Capacity to commit atrocity crimes | 4 out of 8 indicators present |
| Risk Factor 6 | Absence of mitigating factors | 6 out of 11 indicators present |
| Risk Factor 7 | Enabling circumstances or preparatory action | 13 out of 14 indicators present |
| Risk Factor 8 | Triggering factors | 6 out of 12 indicators present |
| | Specific Risk Factors for Crimes Against Humanity | |
| Risk Factor 11 | Signs of a widespread or systematic attack against any civilian population | 4 out of 8 indicators present |
| Risk Factor 12 | Signs of a plan or policy to attack any civilian population | 6 out of 10 indicators present |

Section V.A. of this Report applies Risk Factors 1 through 6 and their indicators to the situation in Uganda and reveals deep instability. This instability is rooted in colonial and post-colonial history of internal armed conflict and divisive tribal and ethnic politics; serious violations of international human rights and humanitarian law occurring despite domestic incorporation of human rights standards; weakness of state structures due to autocratic rule, corruption, and absence of political will; motivation and incentives to blame others, especially LGBTI people, for state failures; demonstrated capacity to commit atrocity crimes against members of the LGBTI community; and absence of important internal mitigating factors to protect LGBTI Ugandans.

Section V.B. of the report focuses on the analysis of the situation of the LGBTI community in Uganda. As articulated in Risk Factor 7 and its indicators, the enabling circumstances and preparatory actions for atrocity against this targeted group are abundant and omnipresent. Historical and current trends in Uganda demonstrate that Risk Factors 11 and 12, specific to

crimes against humanity, are also present, with many indicators of atrocity propensity already active at low or varying levels of intensity and steady frequency.

Section V.C. of the report is devoted to a discussion of triggering factors, as articulated in Risk Factor 8. This Section suggests that several current and foreseeable trigger events or situations could precipitate an escalation to more acute and widespread infliction of grave harms and abuses against the LGBTI community and several escalation scenarios are spelled out. In the context of the triggering factors for Uganda, the risk conditions are numerous and mature, especially given the current existence of atrocity crimes against this population.

Based on available and reliable evidence related to the risk factors and indicators of the Framework, I conclude that state and private actors have committed atrocity crimes, in the form of persecution and other crimes against humanity, against LGBTI Ugandans; and that the risk for additional atrocity crimes committed against LGBTI individuals is high.

A. Deep Instability in Uganda (Risk Factors 1 through 6)

Research undertaken for this assessment reveals that Uganda is a brittle and volatile society with undercurrents of unrest resulting from decades of governmental policies of exclusion from social, economic and political goods that are often contingent on individual and group identity. In a deeply observant and overwhelmingly Christian society, tribe, ethnicity, and region have proved to be the malignant fault lines in Ugandan society since the colonial period.

Uganda suffers from deep political, economic and social instability, a situation that is both a cause and a consequence of weak state institutions. A former colony comprised of over ten distinct tribes,¹⁴ the British maintained a centralized government and gave preferential treatment to certain ethnic groups, exacerbating inter-ethnic and tribal tensions.¹⁵ British rule thus laid the foundation for the continued tribal, ethnic and regional power struggles central to post-colonial conflict and contemporary politics in Uganda.¹⁶ Derived from colonial and post-colonial politicization of identities, including sexual and gender minorities,¹⁷ the country's pronounced and long-entrenched political, economic and social instability creates enduring schisms that are further exacerbated by each successive leader's autocratic and exclusionary politics.¹⁸

¹⁴ "Ethnic groups: Baganda 16.9%, Banyankole 9.5%, Basoga 8.4%, Bakiga 6.9%, Iteso 6.4%, Langi 6.1%, Acholi 4.7%, Bagisu 4.6%, Lugbara 4.2%, Bunyoro 2.7%, other 29.6% (2002 census)." CIA, *The World Factbook*, Uganda, <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html> (last updated Sept. 24, 2015) [hereinafter CIA Factbook].

¹⁵ See Peter Bouckaert et al., Human Rights Watch, *Hostile to Democracy: The Movement System and Political Repression in Uganda* (1999), http://www.hrw.org/reports/1999/uganda/Uganweb-06.htm#P551_76978. For example, the Buganda kingdom, located in the south of Uganda, held the most land and economic power; they were allowed to retain their traditional power structure, and served as tax collectors in the other kingdoms. *Id.* at 28-29. The British considered the Acholi people in the north a "martial tribe" who were preferentially appointed to the officer corps of the colonial army. Terrell G. Manyak & Isaac Wasswa Katono, *Impact of Multiparty Politics on Local Government in Uganda*, 1 *Afr. Conflict & Peacebuilding Rev.* 8, 11 (2011).

¹⁶ See Phares Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* 2-4 (1992).

¹⁷ See Alok Gupta, Human Rights Watch, *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism* (2008), https://www.hrw.org/sites/default/files/reports/lgbt1208_web.pdf. [hereinafter *Origins of Sodomy Laws*].

¹⁸ Uganda is now ranked 23 out of 178 on the 2015 Fragile States Index, placing the state in its "alert" category, along with Guinea Bissau, Burundi, Niger, Ethiopia, Kenya, Liberia, Eritrea, Libya, Mauritania, Myanmar,

Uganda gained independence from Britain in 1962.¹⁹ Since that time, the country’s history has been rife with both internal and international armed conflict, successive military coups, and autocratic rule.²⁰ Such constant conflict reflects and reinforces the persistence of active ethnic antagonisms and weak state institutionalization. Absent an effective rule of law, serious rights violations are being committed with impunity against minority groups, including the LGBTI population.

1. Risk Factor 1: Situations of Armed Conflict or Other Forms of Instability
(Indicators 1.1, 1.2, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 1.10 & 1.11)

The existence of armed conflict or other forms of instability, including political, economic and social instability, are among the conditions that increase the probability of atrocity crimes. There are eleven indicators involved in the assessment of this risk factor, ten of which are present in Uganda, which is indicative of a very high degree of instability. (See Table 2.)

Table 2: Indicators for Risk Factor 1

| Risk Factor 1: Situations of Armed Conflict or Other Forms of Instability | |
|--|---|
| 1.1 | International or non-international armed conflict. |
| 1.2 | Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighboring countries, threats of external interventions or acts of terrorism. |
| 1.3 | Humanitarian crisis or emergency, including those caused by natural disasters or epidemics. |
| 1.4 | Political instability caused by abrupt or irregular regime change or transfer of power. |
| 1.5 | Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements. |
| 1.6 | Political tension caused by autocratic regimes or severe political repression. |
| 1.7 | Economic instability caused by scarcity of resources or disputes over their use or exploitation. |
| 1.8 | Economic instability caused by severe crisis in the national economy. |
| 1.9 | Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities. |
| 1.10 | Social instability caused by resistance to or mass protests against State authority or policies. |
| 1.11 | Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms. |

Since 1986, Uganda has experienced a number of armed rebellions and insurgencies.²¹ The internal armed conflicts have largely emerged from the country’s historically marginalized and underdeveloped northern and eastern regions.²² In 1986, the Lord’s Resistance Movement/Army (LRA) commenced a twenty-year conflict against the governing party of President Yoweri

Cameroon, North Korea, Mali, Sierra Leone, Bangladesh, Congo, Sri Lanka, Timor-Leste, Nepal, Rwanda, and Egypt. See *The Fragile States Index*, The Fund for Peace (formerly, *The Failed States Index*) (2015), <http://fsi.fundforpeace.org/rankings-2015>.

¹⁹ CIA Factbook, *supra* note 14.

²⁰ “Uganda . . . experienced coups in 1966, 1971, 1979, 1980, and 1985.” Sebastiano Rwengabo, *Regime Stability in Post-1986 Uganda: Counting the Benefits of Coup-Proofing*, 39 *Armed Forces & Soc’y* 531, 532 (2012).

²¹ The seven civil wars include: Uganda’s People Democratic Army (1986-1988); Holy Spirit Movement (1986-1987); Lord’s Resistance Army (1987-2006); Uganda People’s Army (1987-1992); West Nile Bank Front (1995-1997); Allied Democratic Forces (1996-2002); Uganda National Rescue Front (1998-2002). See Stefan Lindemann, *Just Another Change of Guard? Broad-Based Politics and Civil War in Museveni’s Uganda*, 110 *Afr. Aff.* 387, 388 (2011).

²² See *id.*

Museveni and the Ugandan Peoples' Defence Forces (UPDF),²³ resulting in countless atrocities and internally displacing nearly two million Ugandans.²⁴ Additionally, the eastern Karamojong region of Uganda, on the border of Kenya, has suffered continual inter- and intra-ethnic violence.²⁵

Uganda also has been extensively involved in international armed conflict throughout the Great Lakes region. The Ugandan government's pursuit of the LRA into their temporary safe havens in Democratic Republic of the Congo (DRC), South Sudan, and Central African Republic has resulted in commission of atrocities against civilians and combatants on all sides.²⁶ In addition, Uganda has actively supported the South in the Sudan-South Sudan conflict and then aligned the government with one side in the South Sudan civil war that erupted in late 2013.²⁷ This engagement has produced enemies,²⁸ as does Uganda's role as the largest contributing nation to

²³ See Ted Dagne, *Uganda: Current Conditions and the Crisis in North Uganda* 4 (2011). The LRA has been responsible for the killing of civilians, torture, sexual abuse (including rape and forced child marriage to rebel leaders), and the abduction and recruitment of child soldiers; the Ugandan Peoples' Defence Forces (UPDF) has also committed human rights abuses, including extra-judicial killing, torture, and rape; see also Human Rights Watch, *World Report 2006* 146-53 (2006), <https://www.hrw.org/legacy/wr2k6/wr2006.pdf>; Human Rights Watch, *World Report 2009* 130-35 (2009), http://www.hrw.org/sites/default/files/reports/wr2009_web.pdf; Human Rights Watch, *Uganda: Violence, Reprisals in Western Region, Inadequate Investigations, Unfair Trials, Irregular Amnesties* (Nov. 5, 2014), <http://www.hrw.org/news/2014/11/05/uganda-violence-reprisals-western-region>; Annette Weber et al., Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda* 41 (July 2003), <http://www.hrw.org/reports/2003/uganda0703/uganda0703.pdf>.

²⁴ See Ted Dagne, *Uganda: Current Conditions and the Crisis in North Uganda* 4 (2011); see also U.S. Dep't of State, Office of the Spokesperson, *Fact Sheet: The Lord's Resistance Army* (Mar. 23, 2012), available at <http://www.state.gov/r/pa/prs/ps/2012/03/186734.htm>.

²⁵ Human Rights Watch, "Get the Gun!" *Human Rights Violations by Uganda's National Army in Law Enforcement Operations in Karamoja Region* (Sept. 2012), (<https://www.hrw.org/reports/2007/uganda0907/>); Kees Kingma et al., *Security Provision and Small Arms in Karamoja: A Survey of Perceptions*, 28-30, 66-69 (Sept. 2012), <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR17-Karamoja.pdf>.

²⁶ See *The LRA in Congo, CAR, and South Sudan*, Enough, <http://www.enoughproject.org/conflicts/lra/congo-car-south-sudan> (last visited Oct. 7, 2015); *UPDF in Kony Hunt Accused of Rape, Looting*, The Observer (Mar. 2, 2012), http://www.observer.ug/index.php?option=com_content&view=article&id=17456:updf-in-kony-hunt-accused-of-rape-looting; see also Xan Rice, *Uganda Rejects UN Report on War Crimes in Congo*, The Guardian (Oct. 1, 2010), <http://www.theguardian.com/law/2010/oct/01/uganda-un-war-crimes-congo>.

²⁷ Ken Opalo, *Why is Uganda's Army in South Sudan?*, The Christian Science Monitor (Feb. 3, 2014), <http://www.csmonitor.com/World/Africa/Africa-Monitor/2014/0203/Why-is-Uganda-s-Army-in-South-Sudan>; Jeremy Binnie, *South Sudan Opposition Says Uganda has Deployed Su-30s to Juba*, HIS Jane's 360 (Nov. 26, 2014), <http://www.janes.com/article/46364/south-sudan-opposition-says-uganda-has-deployed-su-30s-to-juba>. Some observers are concerned that the UPDF's presence may lead to ongoing proxy wars in the contested region, such as the one fought in DRC. See *Uganda Admits Combat Role in South Sudan*, Al Jazeera (Jan. 16, 2014, 11:03 GMT), <http://www.aljazeera.com/news/africa/2014/01/ugandan-troops-battling-south-sudan-rebels-201411683225414894.html>.

²⁸ See *Uganda Admits Combat Role in South Sudan*, Al Jazeera (Jan. 16, 2014, 11:03 GMT), <http://www.aljazeera.com/news/africa/2014/01/ugandan-troops-battling-south-sudan-rebels-201411683225414894.html> (arguing that "[t]he involvement of a foreign army in South Sudan's conflict could escalate a crisis set off by a power struggle between President Salva Kiir and Riek Machar, the fugitive former deputy president who commands rebel forces.").

the African Union's Mission in Somalia,²⁹ which exposes the country to Somali-based militant Islamist group Al Shabaab's threat of retaliatory attacks.³⁰

In addition to internal and international armed conflict, successive military coups and autocratic regimes have dominated Uganda's post-independence history. In 1986, for instance, President Museveni came to power as a result of the National Resistance Army's (NRA's) overthrow of then President Milton Obote.³¹ Museveni has remained in power since that time, reportedly allowing the state's bureaucratic apparatus to function to the extent that it does not constrain his own exercise of authority.³² Although Uganda has had a multi-party political system since 2005, the government has maintained control over candidates and election outcomes through legal restraints and amid numerous allegations of fraud, intimidation, and violence.³³ This dynamic has produced a political system that is created by and reproduced through perpetual instability.

Additionally, corruption³⁴ and economic mismanagement severely curtails Uganda's ability to fulfill its obligations to its citizens and has contributed to a severe economic crisis in the country.³⁵ The economic crisis is reflected in acute poverty, mass unemployment, particularly in urban areas, soaring inflation,³⁶ and deep horizontal inequalities.³⁷ Given that the south served as the economic and administrative backbone of the colonial state,³⁸ a north-south division of labor,

²⁹ Dan Damon, *Why is Uganda Fighting in 'Hellish' Somalia?*, BBC World Service (Mar. 15, 2012), <http://www.bbc.com/news/world-africa-16853499>.

³⁰ Ludovica Iaccino, *Somalia: Al-Shabaab Threatens Terror Attacks in Burundi and Uganda*, International Business Times (May 15, 2015, 13:37 BST), <http://www.ibtimes.co.uk/somalia-al-shabaab-threatens-terror-attacks-burundi-uganda-1501511>.

³¹ Federal Research Division, Library of Congress, *Uganda: A Country Study* 204-08 (Rita M. Byrnes ed., 2d ed. 1992), http://cdn.loc.gov/master/frd/frdcstdy/ug/ugandacountrystu00byrn_0/ugandacountrystu00byrn_0.pdf; *East Africa Living Encyclopedia: Uganda – History*, African Studies Center, University of Pennsylvania, <http://www.africa.upenn.edu/NEH/uhistory.htm> (last visited Sept. 29, 2015).

³² See Roger Tangri & Andrew M. Mwenda, *President Museveni and the Politics of Presidential Tenure in Uganda*, 28 J. Contemp. Afr. Stud. 31, 36 (2010).

³³ European Union Election Observation Mission, *Uganda 2011 Elections: Improvements Marred by Avoidable Failures* 5-7 (Feb. 20, 2011), http://www.eueom.eu/files/pressreleases/english/preliminary_statement_uganda_2011_en.pdf; S. Gloppen et al., CHR. Michelsen Institute, *Uganda's 2006 Presidential and Parliamentary Elections* 11-13, 17-18 (2006), <http://www.cmi.no/publications/file/2391-ugandas-2006-presidential-and-parliamentary.pdf>.

³⁴ See e.g., Human Rights Watch & Yale Law School Allard K. Lowenstein International Human Rights Clinic, *"Letting the Big Fish Swim" – Failures to prosecute High-Level Corruption in Uganda* 1 (2013), http://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf; see also *UK Suspends Uganda Aid Over Corruption*, Al Jazeera (Nov. 17, 2012 16:13 GMT), <http://www.aljazeera.com/news/africa/2012/11/20121117155051480786.html>.

³⁵ The crisis has been exacerbated by high food costs, the global economic situation and the depreciation of the shilling against the dollar. See Jeremy Liebowitz & Robert Sentamu, Afrobarometer, *Public Perceptions of Uganda's Economy: In Crisis?* 5 (Mar. 2012), <http://afrobarometer.org/sites/default/files/publications/Briefing%20paper/AfrobriefNo101.pdf>.

³⁶ Following the last presidential election, inflation was rampant in Uganda and the shilling "lost 19 percent of its value between January and September 2011." See *id.* at 1. Inflation has led to "increased levels of deprivation in people's everyday lives," including food and water insecurities. See *id.* at 3.

³⁷ According to Frances Stewart and Graham Brown, "horizontal inequality" is "when cultural differences coincide with economic and political differences between groups. . . caus[ing] deep resentment that may lead to violent struggles." See Frances Stewart, Bradford Development Lecture 2009, *Horizontal Inequalities as a Cause of Conflict* 2 (Nov. 2009), <http://www.bradford.ac.uk/ssis/media/ssis/BDLStewart.pdf>.

³⁸ Due to varied climatic patterns, the climate in the south is more favorable to growing coffee, cotton, and sugar

overlapping with ethnic and tribal identities, contributes to deep horizontal inequalities between north and south, and group identity thus has continued to be linked to political, economic, and social status.³⁹

2. Risk Factors 2 & 3: Serious Human Rights Violations & Weak Rule of Law (Indicators 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 3.2, 3.3, 3.5, 3.6, 3.7, 3.9 & 3.10)

Risk Factor 2 requires an analysis of a country’s record of “serious violations of international human rights and humanitarian law” “that have not been prevented, punished, or adequately addressed and, as a result, create a risk of further violations.”⁴⁰ Risk Factor 3 requires an analysis of a state’s structures and “circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes.”⁴¹ My assessment is that all of the 8 indicators for Risk Factor 2, and 7 out of 10 indicators for Risk Factor 3 are present in the situation in Uganda. (See Table 3.)

Table 3: Indicators for Risk Factors 2 & 3

| Risk Factor 2: Record of Serious Violations of International Human Rights and Humanitarian Law | |
|---|---|
| 2.1 | Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals. |
| 2.2 | Past acts of genocide, crimes against humanity, war crimes or their incitement. |
| 2.3 | Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement. |
| 2.4 | Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement. |
| 2.5 | Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions. |
| 2.6 | Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes. |
| 2.7 | Politicization or absence of reconciliation or transitional justice processes following conflict. |
| 2.8 | Widespread mistrust in State institutions or among different groups as a result of impunity. |
| Risk Factor 3: Weakness of State Structures | |
| 3.1 | National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties. |
| 3.2 | National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training. |
| 3.3 | Lack of an independent and impartial judiciary. |
| 3.4 | Lack of effective civilian control of security forces. |

cane. Furthermore, the south is also rich in “mineral resources such as copper, tin, limestone, phosphates, and oil.” See *Bondage of Boundaries and Identity Politics in PostColonial Africa: The ‘Northern Problem’ and Ethno-Futures* 239 (Sabelo J. Ndlovu-Gatsheni & Brilliant Mhlanga eds., 2013).

³⁹ Uganda: *No Resolution to Growing Tensions*, International Crisis Group, Africa Report No. 187 2 (Apr. 5, 2012), <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/uganda/187-uganda-no-resolution-to-growing-tensions.pdf>. In November 2014, the Uganda Bureau of Statistics noted an ongoing trend of regional inequality whereby the northern and eastern regions continued to be plagued with high levels of poverty at, respectively, 43.7% and 24.5%, while the western and central regions had lowered their poverty rates to, respectively, 8.7% and 4.7%. See Uganda Bureau of Statistics, *2014 Statistical Abstract* 30 (Nov. 2014), http://www.ubos.org/onlinefiles/uploads/ubos/statistical_abstracts/Statistical%20Abstract%202014.pdf.

⁴⁰ UN Framework of Analysis, *supra* note 1, at 11 (Risk Factor 2).

⁴¹ *Id.* at 12.

| | |
|------|---|
| 3.5 | High levels of corruption or poor governance. |
| 3.6 | Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims. |
| 3.7 | Lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors. |
| 3.8 | Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards. |
| 3.9 | Lack of resources for reform or institution-building, including through regional or international support. |
| 3.10 | Insufficient resources to implement overall measures aimed at protecting populations. |

Despite Uganda’s edifice of laws and institutions, the country suffers from an ineffectual rule of law. Global Integrity’s 2011 “Scorecard” for Uganda succinctly demonstrates the problems facing Uganda today: while for “legal framework,” Uganda received a “very strong” rating, for “actual implementation,” Uganda was rated “very weak.”⁴²

In Uganda, there is a long-standing history of serious human rights violations and atrocity crimes⁴³ continuing into the present. According to the 2014 U.S. Department of State Country Report, the three most serious human rights issues in Uganda were: (1) “unlawful killings, torture, and other abuse of suspects and detainees;” (2) “restrictions on civil liberties;” and (3) “violence and discrimination against marginalized groups,” including LGBTI people.⁴⁴ Perpetrators of these abuses are rarely arrested, tried or convicted for carrying out these crimes.⁴⁵

Although Uganda has instituted anti-corruption laws and measures,⁴⁶ corruption is pervasive at all levels of government and appears to be increasing.⁴⁷ Reports of bribes and embezzlement by Government officials are frequent, and anti-corruption enforcement mechanisms remain weak.⁴⁸

⁴² Global Integrity, *Global Integrity Report: Scorecard: Uganda 2011*, <https://www.globalintegrity.org/global/report-2011/uganda/>.

⁴³ See Patrick Keatley, *Obituary: Idi Amin*, *The Guardian* (Aug. 17, 2003), <http://www.theguardian.com/news/2003/aug/18/guardianobituaries> (describing the dictator’s brutal regime); see also Freedom House, *Freedom in the World 2015: Individual Country Ratings and Status 1973-2015*, <https://freedomhouse.org/report-types/freedom-world>. A “decree in 1972 by Ugandan President Idi Amin ordering the departure of Uganda’s population of South Asian origin sparked a mass exodus. . . . [D]iscontent among the urban population and within the armed forces drove Amin to seek a scapegoat for the country’s economic ills.” Office of the United Nations High Commissioner for Refugees, *The State of the World’s Refugees, 2000: Fifty Years of Humanitarian Action* 69 (Mark Cutts et al. eds., 2000), <http://www.unhcr.org/4a4c754a9.html>.

⁴⁴ U.S. Dep’t of State, *Uganda 2014 Human Rights Report* 1 (2014), <http://www.state.gov/documents/organization/236630.pdf>.

⁴⁵ See U.S. Dep’t of State, *Uganda 2014 Human Rights Report* 7 (2014), <http://www.state.gov/documents/organization/236630.pdf>.

⁴⁶ See Human Rights Watch & Yale Law School Allard K. Lowenstein International Human Rights Clinic, “*Letting the Big Fish Swim*” – *Failures to prosecute High-Level Corruption in Uganda* 22-23 (2013), http://www.hrw.org/sites/default/files/reports/uganda1013_ForUpload_1.pdf.

⁴⁷ See *id.* at 13; see also The World Bank, *Worldwide Governance Indicators: Country Data Report for Uganda 1996-2014* 7, <http://info.worldbank.org/governance/wgi/pdf/c225.pdf>; see *Uganda 2014 Human Rights Report*, *supra* note 52, at 24; see Marie Chêne, U4 Anti-Corruption Resource Center & Transparency International, U4 Expert Answer (Mar. 4, 2009), <http://www.u4.no/publications/overview-of-corruption-in-uganda/>.

⁴⁸ See *e.g.*, Human Rights Watch & Yale Law School, *supra* note 46, at 15-16; see also European Union Election Observation Mission, *Uganda Final Report: General Elections 18 February 2011* 8, 24-25 (Mar. 10, 2011), http://www.euom.eu/files/pressreleases/english/euom_uganda2011_final_report_en.pdf; Angelo Izama & Michael Wilkerson, *Uganda: Museveni’s Triumph and Weakness*, 22 *J. of Democracy* 64, 68-69 (July 2011); Rodney

Serious human rights concerns also include acts of mob violence—common, communal forms of extrajudicial punishment and brutality.⁴⁹ Ordinary community members take “justice” into their own hands through inhumane acts of violence to enforce communal norms or laws. The prevalent resort to mob violence stems from the inability of the Ugandan police to fulfill its duty to preserve public order and prevent these attacks, as well as from its manifest failure to conduct fair and effective investigations and arrests to deter those who commit such attacks.⁵⁰

Vigilante and parastatal groups linked to the government operate with impunity in Uganda.⁵¹ One of these groups, the 12,000-member Presidential Guard Brigade (PGB), is “the best-trained, best-equipped and best-paid military force in Uganda.”⁵² President Museveni controls the PGB’s decision-making structures and his son serves as commander of PGB’s special forces.⁵³ In effect, the PGB is “the president’s personalised military machine.”⁵⁴

3. Risk Factor 4: Motives or Incentives (Indicators 4.1, 4.2, 4.4, 4.5, 4.7 & 4.9)

Risk Factor 4 inquires into drivers that “justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.”⁵⁵ The indicators address a series of interests and motives ranging from “political motives” or economic incentives to “real or perceived threats posed by protected groups” and “ideologies based on the supremacy of a certain identity.” (See Table 4.) Of particular concern for this risk factor are indicators of motives or incentives based on “exclusionary ideology” and accentuation of differences.⁵⁶

Table 4: Indicators for Risk Factor 4

| Risk Factor 4: Motives or Incentives | |
|--------------------------------------|--|
| 4.1 | Political motives, particularly those aimed at the attainment or consolidation of power. |
| 4.2 | Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources. |
| 4.3 | Strategic or military interests, including those based on protection or seizure of territory and resources. |

Muhumuza, *Ugandan Leader Donates Sacks of Cash, Drawing Ire*, Associated Press (Apr. 23, 2013 11:50 AM),

<http://news.yahoo.com/ugandan-leader-donates-sack-cash-drawing-ire-155003822.html>; See Angelo Izama & Michael Wilkerson, *Uganda: Museveni’s Triumph and Weakness*, 22 J. of Democracy 64, 68-69 (July 2011).

⁴⁹ See Uganda Human Rights Commission (UHRC), *15th Annual Report 2012 of the UHRC to the Parliament of The Republic of Uganda* 119 (Apr. 2013), <http://www.rwi.lu.se/NHRIDB/Africa/Uganda/15thAnnualReport2012.pdf> (citing “a qualitative research [study] regarding vigilante justice in modern Uganda,” Robin Glad, Asa Stromberg & Anton Westerlund, *Mob Justice: A Qualitative Research Regarding Vigilante Justice in Modern Uganda* 3 (Apr. 2010), https://gupea.ub.gu.se/bitstream/2077/23084/1/gupea_2077_23084_1.pdf).

⁵⁰ Danish Refugee Council, *Situation of LGBT Persons in Uganda, Joint Report from the Danish Immigration Service’s and the Danish Refugee Council’s fact finding mission to Kampala, Uganda from 16 to 25 June 2013*, 22, 31, 39, 54, 60, 61 (Jan. 2014), <https://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsInUgandaFinal.pdf> [hereinafter Danish Refugee Council].

⁵¹ See *Kiboko Squad Revealed*, The Independent (Sept. 15, 2009), <http://www.independent.co.ug/cover-story/1769-kiboko-squad-revealed>.

⁵² Roger Tangri & Andrew M. Mwenda, *President Museveni and the Politics of Presidential Tenure in Uganda*, 28 J. of Contemp. Afr. Stud. 31, 44 (2010).

⁵³ See *id.*

⁵⁴ *Id.*

⁵⁵ UN Framework of Analysis, *supra* note 1, at 13 (Risk Factor 4).

⁵⁶ *Id.*

| | |
|-----|---|
| 4.4 | Other interests, including those aimed at rendering an area homogeneous in its identity. |
| 4.5 | Real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause. |
| 4.6 | Real or perceived membership of or support for armed opposition groups, by protected groups, populations or individuals. |
| 4.7 | Ideologies based on the supremacy of a certain identity or on extremist versions of identity. |
| 4.8 | Politicization of past grievances, tensions or impunity. |
| 4.9 | Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge. |

In times of political tension or economic distress, it may prove useful to mobilize the population to support the government on grounds other than political allegiance or economic interests, since attention to these issues always raises the risk that other parties or groups will begin to bring up very uncomfortable realities, such as rising inequalities, decreasing income and productivity in rural areas, border incursions, or lingering violent insurgencies. In the context of external and internal threat from armed conflict and economic competition among ethnically diverse tribes and regions, it is useful to have a consolidating foil, even if rhetorical, that can occupy the media and distract the crowd. In a society where weak legal enforcement and easily inflamed urban street justice prevail, campaigns of aggression against stigmatized minorities, particularly as documented here against the LGBTI community, play well as theater and arena, symbolic blood-letting in service of a larger subjugation. Government officials and other influential leaders have abundant room to incite and mobilize crowd attacks against individuals and the group as an entirety, knowing that the security systems and the courts may either collude in these actions or at least may not intervene to protect those who are targeted.

As discussed in more detail in Sec. V.B, there has been an apparent alignment of political motives in the targeting and scapegoating of the LGBTI population in Uganda as well as repeated disparagement of homosexuality and LGBTI persons as “unafican” and not consistent with Ugandan culture and identity.⁵⁷ The LGBTI community is targeted by government officials, religious leaders and media as presenting a threat to children and Ugandan society.⁵⁸

4. Risk Factors 5 & 6: Capacity to Commit Atrocity Crimes and Absence of Mitigating Factors (Indicators 5.3, 5.4, 5.5, 5.7, 6.1, 6.2, 6.4, 6.7, 6.8 & 6.10)

Risk Factor 5 takes into account a government’s or organization’s capacity to carry out atrocity crimes while Risk Factor 6 looks at whether there are factors that could contribute to preventing or lessening the likelihood or impact of atrocity crimes or violence against protected populations. (See Table 5.) A number of indicators are present which show that there is the capacity in Uganda to carry out such crimes and a disturbing lack of mitigating factors.

⁵⁷ See, e.g., Faith Karimi and Nick Thompson, *Uganda’s President Museveni signs controversial anti-gay bill into law*, CNN (Feb. 25, 2014: 9:00 AM), <http://www.cnn.com/2014/02/24/world/africa/uganda-anti-gay-bill/>.

⁵⁸ See e.g., Paul Gonza, *Gay Groups Targeting Church Leaders, Schools – Kadaga*, Daily Monitor, Dec. 2, 2014, <http://www.monitor.co.ug/News/National/Gay-groups-targeting-church-leaders--schools---Kadaga/-/688334/2541220/-/10169wgz/-/index.html> (last accessed Oct. 27, 2015).

Table 5: Indicators for Risk Factors 5 & 6

| Risk Factor 5: Capacity to Commit Atrocity Crimes | |
|--|--|
| 5.1 | Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement. |
| 5.2 | Capacity to transport and deploy personnel and to transport and distribute arms and ammunition. |
| 5.3 | Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them. |
| 5.4 | Strong culture of obedience to authority and group conformity. |
| 5.5 | Presence of or links with other armed forces or with non-State armed groups. |
| 5.6 | Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help sustain perpetrators. |
| 5.7 | Financial, political or other support of influential or wealthy national actors. |
| 5.8 | Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others. |
| Risk Factor 6: Absence of Mitigating Factors | |
| 6.1 | Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves. |
| 6.2 | Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media. |
| 6.3 | Lack of interest and focus of international civil society actors or of access to international media. |
| 6.4 | Lack of or limited presence of the United Nations, INGOs or other international or regional actors in the country and with access to populations. |
| 6.5 | Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations. |
| 6.6 | Lack of exposure, openness or establishment of political or economic relations with other States or organizations. |
| 6.7 | Limited cooperation of the State with international and regional human rights mechanisms. |
| 6.8 | Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community. |
| 6.9 | Lack of interest, reluctance or failure of United Nations Member States or international or regional organizations to support a State to exercise its responsibility to protect populations from atrocity crimes, or to take action when the State manifestly fails that responsibility. |
| 6.10 | Lack of support by neighbouring States to protect populations at risk and in need of refuge, including by closure of borders, forced repatriation or aid restrictions. |
| 6.11 | Lack of an early warning mechanism relevant to the prevention of atrocity crimes. |

Uganda's capacity to commit and inability to prevent atrocities results from its under-equipped, poorly financed, and ineffective judicial and law enforcement institutions,⁵⁹ the lack of political will to end widespread and high-level government corruption, rampant impunity granted to privileged persons, state actors, or participants in mob violence,⁶⁰ the increasing criminalization

⁵⁹ Human Rights Watch reported that security forces killed at least 40 people during protests in 2009. No meaningful investigations into these killings have been performed. See Human Rights Watch, *Uganda: Investigate 2009 Kampala Riot Killings* (Sept. 10, 2010), <http://www.hrw.org/news/2010/09/10/uganda-investigate-2009-kampala-riot-killings>; see also Human Rights Watch, *World Report 2014: Uganda* (2014), <http://www.hrw.org/world-report/2014/country-chapters/uganda>.

⁶⁰ In December 2011, the Uganda Police Force disbanded its Rapid Response Unit, a group that had received significant criticism from human rights groups. No investigations have been made in connection to this unit. See Human Rights Watch, *World Report 2014: Uganda* (2014), <http://www.hrw.org/world-report/2014/country-chapters/uganda>; see also Human Rights Watch, *Uganda – Violence Instead of Vigilance: Torture and Illegal Detention by Uganda's Rapid Response Unit* (Mar. 2011), <http://www.hrw.org/sites/default/files/reports/uganda0311Web.pdf>.

of and discrimination against LGBTI individuals, and increasing restrictions on the ability of civil society organizations to advocate on behalf of minority groups, including LGBTI people.⁶¹

As discussed in further detail in Sec. V.B, evidence of the capacity to commit atrocities against the LGBT population includes the government's repressive measures and passage of severely discriminatory legislation that removes legal rights and protections from this population. Evidence of incapacity to prevent includes extensive failure to subdue the Lord's Resistance Army (LRA),⁶² tolerance of excesses against Karamojong,⁶³ and failure to act against brutality of local populations against each other.⁶⁴

Neighboring countries may fail to mitigate the risk of harm. Many LGBTI Ugandans have fled the country to escape persecution, and some have sought refuge in Kenya's Kakuma camp near the Ugandan border, which has proven to be fraught with additional risks.⁶⁵ Same-sex sexual conduct is also criminalized in Kenya, which puts refugees at risk of arrest, detention, and violence there as well.⁶⁶ In the camps, LGBTI refugees have reported harassment, beatings, and sexual violence.⁶⁷ Due to the conditions in the camp, some LGBTI refugees leave for the cities. Once there, they are at risk of violence from those around them and Kenyan police, especially since the government enacted a new anti-terrorism policy that allows police to arrest any refugees found outside of the camps.⁶⁸

B. Enabling Circumstances and Evidence of Impact (Risk Factors 7, 11 and 12)

The analysis thus far has looked at the general context in Uganda. Applying the following indicators to the situation of the LGBTI community in Uganda reveals that in the last 15 years,

⁶¹ See The Non-Governmental Organisations Bill, Bill No. 10 (April 10, 2015), http://www.ngoforum.or.ug/wp-content/uploads/downloads/2015/04/NGO-Bill_2015.pdf; Human Rights Watch, *Uganda: Bill Threatens Rights, Independent Groups* (Apr. 20, 2015), <https://www.hrw.org/news/2015/04/20/uganda-bill-threatens-rights-independent-groups>; Human Rights Watch, *Uganda: Growing Intimidation, Threats to Civil Society* (Aug. 21, 2012), <http://www.hrw.org/news/2012/08/21/uganda-growing-intimidation-threats-civil-society>.

⁶² Ted Dagne, *Uganda: Current Conditions and the Crisis in North Uganda* 4 (2011).

⁶³ Kees Kingma et al., *Security Provision and Small Arms in Karamoja: A Survey of Perceptions*, 28-30, 66-69 (Sept. 2012), <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR17-Karamoja.pdf>; James Bevan, *Crisis in Karamoja: Armed Violence and the Failure of Disarmament in Uganda's Most Deprived Region*, *Small Arms Survey* 16 (June 2008), <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP21-Karamoja.pdf>.

⁶⁴ Human Rights Watch, *Uganda: Violence, Reprisals in Western Region, Inadequate Investigations, Unfair Trials, Irregular Amnesties* (Nov. 5, 2014), <http://www.hrw.org/news/2014/11/05/uganda-violence-reprisals-western-region>.

⁶⁵ Katy Migiro, *LGBT Refugees Risk Rape, Death in Kenya*, AL JAZEERA, May 19, 2013, <http://www.aljazeera.com/indepth/features/2013/05/201351914503116836.html> (last visited Oct. 4, 2015); Jacob Kushner, *Inside the Nightmares of Africa's LGBT Refugees*, HUFFINGTON POST, Jun. 26, 2015, http://www.huffingtonpost.com/the-groundtruth-project/inside-the-nightmares-of_b_7674502.html (last visited Oct. 4, 2015).

⁶⁶ The Penal Code Act (2014) Cap XIV §162 (Kenya).

⁶⁷ Jacob Kushner, *Inside the Nightmares of Africa's LGBT Refugees*, Huffington Post (June 26, 2015), http://www.huffingtonpost.com/the-groundtruth-project/inside-the-nightmares-of_b_7674502.html; Katy Migiro, *LGBT Refugees Risk Rape, Death in Kenya*, Al Jazeera (May 19, 2013), <http://www.aljazeera.com/indepth/features/2013/05/201351914503116836.html>.

⁶⁸ Kushner, *supra* note 67.

those who identify as LGBTI have become so stigmatized as unholy and immoral that they constitute a virtual fault line of their own. Religious and political leaders of many varieties, assisted by preachers and orators from within and from afar, and spurred on by mass media messaging, have whipped up such hatred of people in the LGBTI community that LGBTI Ugandans are facing severe discrimination, harassment and violence at the hands of the police as well as private citizens. Some have even fled Uganda in fear of their lives. In certain triggering conditions, as framed by my understanding of the evolution of atrocity crimes, this group could be facing a grave risk of increased human rights abuses and even forced expulsion, torture, or murder.

The targeting of the LGBT population in Uganda often is framed in religious, moral and nationalistic terms. The appeal to virtue, or reliance upon religion or morality to justify and motivate the targeting of others is a common denominator in persecution and genocide, as they are identity- or group-based crimes. As noted by researcher and scholar Dr. Robert J. Lifton, who conducted in-depth, psycho-social studies of other historic atrocities, such ideologies “make ethical claims” and require a “vision of a higher purpose” to support brutal behavior.⁶⁹

A strategy of persecution against a targeted, distinct group, a constituent crime within the definition of crimes against humanity,⁷⁰ requires “time to plan, coordinate, and implement.”⁷¹ Not only must perpetrators organize resources to commit such crimes, but also they must manage to single out the target group and rally sufficient opposition against it so that the general population will acquiesce to the group’s persecution, or even assist in perpetrating it.⁷²

Risk Factors 7, 11 and 12 focus on events or measures that provide an environment conducive to the commission of atrocity crimes, intergroup tensions or patterns of discrimination against targeted groups, signs of a widespread or systematic attack against a civilian population and signs of a plan or policy to attack a civilian population. The analysis of indicators for these risk factors are revealing of a grave and alarming situation for the LGBTI population in Uganda. (See indicators at Table 6.)

⁶⁹ Robert J. Lifton & Erik Markusen, *The Genocidal Mentality: Nazi Holocaust and Nuclear Threat* 92–93 (Basic Books 1992).

⁷⁰ Rome Statute of the International Criminal Court, *supra* note 11, art. 7(2)(g).

⁷¹ UN Framework of Analysis, *supra* note 1, at 16.

⁷² *Id.* at 5.

Table 6: Indicators for Risk Factors 7, 11 & 12

| Risk Factor 7: Enabling Circumstances or Preparatory Action | |
|---|---|
| 7.1 | Imposition of emergency laws or extraordinary security measures that erode fundamental rights. |
| 7.2 | Suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups. |
| 7.3 | Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals. |
| 7.4 | Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm. |
| 7.5 | Creation of, or increased support to, militia or paramilitary groups. |
| 7.6 | Imposition of strict control on the use of communication channels, or banning access to them. |
| 7.7 | Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements. |
| 7.8 | Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent adoption of measures or legislation that affect or deliberately discriminate against them. |
| 7.9 | Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror. |
| 7.10 | Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations. |
| 7.11 | Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity. |
| 7.12 | Marking of people or their property based on affiliation to a group. |
| 7.13 | Increased politicization of identity, past events or motives to engage in violence. |
| 7.14 | Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals. |
| Risk Factor 11: Signs of a Widespread or Systematic Attack Against Any Civilian Population | |
| 11.1 | Signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols. |
| 11.2 | Increase in the number of civilian populations or the geographical area targeted, or in the number, types, scale or gravity of violent acts committed against civilian populations. |
| 11.3 | Increase in the level of organization or coordination of violent acts and weapons used against a civilian population. |
| 11.4 | Use of the media or other means to provoke or incite to violent acts. |
| 11.5 | Signs of a plan or policy to conduct attacks against civilian populations. |
| 11.6 | Establishment of new political or military structures that could be used to commit violent acts. |
| 11.7 | Access to or increasing use of significant public or private resources for military or belligerent action, including the acquisition of large quantities of weaponry or other instruments that can cause death or serious harm. |
| 11.8 | Signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets or that are capable of mass destruction, persecution or weakening of communities. |
| Risk Factor 12: Signs of a Plan or Policy to Attack Any Civilian Population | |
| 12.1 | Official documents, political manifestos, media records, or any other documentation through which the existence of a State or organizational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred. |
| 12.2 | Adoption of discriminatory security procedures against different groups of the civilian population. |
| 12.3 | Adoption of measures that result in the alteration of the ethnic, religious, racial or political composition of the overall population, including in defined geographical areas. |
| 12.4 | Establishment of parallel institutions or autonomous political or military structures, or organization of a network of potential perpetrators belonging to a specific ethnic, religious, national, racial or political group. |
| 12.5 | Preparation and use of significant public or private resources, whether military or other kinds. |
| 12.6 | Access to and use of weaponry or other instruments not easily obtained inside the country. |

| | |
|-------|---|
| 12.7 | Preparation or mobilization of armed forces en masse against civilian populations. |
| 12.8 | Facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts. |
| 12.9 | Widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations. |
| 12.10 | Involvement of State institutions or high-level political or military authorities in violent acts. |

1. Forbidding Legal Environment and Criminalization of LGBTI Ugandans (Indicators 7.1, 7.2, 7.7, 11.5, 12.1 & 12.2)

Same-sex sexual activity has been criminalized since British colonial rule and is expressly punished by life imprisonment under the Penal Code Act of 1950.⁷³ However, it has only been in the past decade, amid increasing anti-LGBTI rhetoric and propaganda, that further discrimination and stigma have begun to be enshrined in broader legal sanctions, state practice and forms of enforcement that have had the effect of criminalizing the very identity of LGBTI persons.

Beginning in 2005, legislation began to emerge formalizing in law discrimination against the LGBTI community when the constitution was amended to prohibit same-sex marriage.⁷⁴ Two years later, the Equal Opportunities Commission Act established a Commission specifically entrusted with the authority to eliminate discrimination and take affirmative action in favor of marginalized groups,⁷⁵ From its inception, the law excluded LGBTI individuals from the scope of its mandate based on a prohibition against investigating “any matter involving behavior which is considered to be (i) immoral and socially harmful, or (ii) unacceptable, by the majority of the cultural and social communities in Uganda.”⁷⁶ The legislative history of this section reveals intent to bar LGBTI individuals from filing discrimination claims under the Act’s provisions.⁷⁷ In early 2009, LGBTI advocates and allies filed a Constitutional challenge to this provision of the Act;⁷⁸ however, as of October 2015, a decision has not been issued, and the matter remains pending.⁷⁹

⁷³ The Penal Code Act of 1950, § 145, Cap. 120 (rev. ed. 2000) (Uganda). *See also*, Human Rights Awareness and Promotional Forum and Civil Society Coalition on Human Rights and Constitutional Law, *Protecting ‘Morals’ by Dehumanising Suspected LGBTI Persons? A Critique of the Enforcement of the Laws Criminalising Same-Sex Conduct in Uganda* (2013),

http://www.hrapf.org/sites/default/files/publications/section_145_research_report_full_version.pdf.

⁷⁴ Constitution of the Republic of Uganda, page 47, section 31(2a) official reprint, 15 February 2006.

⁷⁵ The Equal Opportunities Commission Act (2007) (Uganda),

http://www.hrapf.org/sites/default/files/publications/equal_opportunities_commission_act_2007.pdf

⁷⁶ *Id.* § 15(6)(d).

⁷⁷ Human Rights Awareness and Promotional Forum, *The Human Rights Advocate* 11 (2013),

http://hrapf.org/sites/default/files/publications/the_human_rights_advocate.pdf. During a reading of the bill, the Minister of Gender, Labour and Social Development stated that “if [immoral behaviour or generally unacceptable conduct] is not properly put in the clause, [homosexuals] can easily find their way through fighting discrimination. They can claim that since they are part of the minority, they can fight against marginalisation.” *Id.* at 20.

⁷⁸ *Jjuuko Adrian v Attorney General*, Constitutional Petition No. 1 of 2009, was filed on 5th January 2009.

⁷⁹ Press Release, Human Rights Awareness and Promotional Forum, Court Resuscitates the Case of Jjuuko Adrian v. Attorney General (June 5, 2015), available at <http://www.hrapf.org/news-events/court-resuscitates-case-jjuuko-adrian-v-attorney-general>.

In 2009, David Bahati, a Member of the Ugandan Parliament, introduced the Anti-Homosexuality Bill (AHB) in Parliament.⁸⁰ The express intention of the bill was “to fill the gaps in the provisions of other laws in Uganda,” explaining:

The Penal Code Act (Cap120) has no comprehensive provision catering for anti homosexuality. It focuses on unnatural offences under section 145 and lacks provisions for penalizing the procurement, promoting, disseminating literature and other pantographic materials concerning the offences of homosexuality hence the need for legislation to provide for charging, investigating, prosecuting, convicting and sentencing of offenders.

This legislation comes to complement and supplement the provisions of the Constitution of Uganda and the Penal Code Act Cap 120 by not only criminalizing same sex marriages but also same-sex sexual acts and other related acts.⁸¹

The AHB sought to criminalize “homosexual acts,” “aggravated homosexuality” (the commission of more than one “act” would be punishable by life in prison), “attempts to commit homosexuality,” “aiding and abetting homosexuality,” “conspiracy to engage in homosexuality,” “procuring homosexuality by threats,” “detention with intent to commit homosexuality,” running brothels, entering into or performing same-sex marriage, “promoting homosexuality,” and failure to report homosexuality.⁸² The “promotion of homosexuality” category expressly included criminal liability for the director of non-governmental organizations violating this provision of the act with up to seven years imprisonment.⁸³ The failure to report category was so broadly defined that service providers, including health care professionals, could be in violation of the law if they knew one of their patients was LGBTI and did not report that person to the authorities. Parents could also be in violation of the law if they knew that one of their children was LGBTI and did not evict or report their child to authorities.

The campaign for the AHB and associated persecution of LGBTI people was unfolding in the context of an intensifying public discussion of the role of religion and morality in Uganda. Religious issues have become a litmus test for Ugandan politicians, and many politicians appear to try to establish their religious credentials with the electorate by advancing anti-gay legislation. In addition to its chief proponent, David Bahati, supporters included prominent figures such as Speaker of Parliament Rebecca Kadaga, Former Minister of Ethics and Integrity James Buturo,

⁸⁰ See The Anti-Homosexuality Bill, No. 18 (2009), Uganda Gazette Supplement No. 47. The AHB was nicknamed Uganda’s “kill the gays bill” because of Bahati’s original insistence on the inclusion of the death penalty, which did not make it into the final bill or law. See The Anti-Homosexuality Bill, No. 18 (2009), Uganda Gazette Supplement No. 47 §3.2, available at <http://www.boxturtlebulletin.com/btb/wp-content/uploads/2009/10/Bill-No-18-Anti-Homosexuality-Bill-2009.pdf>; see also Janson Wu, *Uganda’s ‘Kill the Gays’ Bill Is Back*, Daily Beast (Mar. 1, 2015, 6:45 AM), <http://www.thedailybeast.com/articles/2015/03/01/uganda-s-kill-the-gays-bill-is-back.html>; Lindsay Funk, *Uganda Kill the Gays Bill: Everything You Need to Know about Anti Gay Bill*, Policy Mic (Nov. 28, 2012), <http://mic.com/articles/19695/uganda-kill-the-gays-bill-everything-you-need-to-know-about-anti-gay-bill>.

⁸¹ The Anti-Homosexuality Bill, No. 18 §2.1 (2009), Uganda Gazette Supplement No. 47, available at <http://www.boxturtlebulletin.com/btb/wp-content/uploads/2009/10/Bill-No-18-Anti-Homosexuality-Bill-2009.pdf>.

⁸² *Id.*

⁸³ *Id.* § 13.

current Minister of Ethics and Integrity Simon Lokodo (a former Catholic priest), President Museveni, and First Lady Janet Museveni.⁸⁴ These political leaders claimed that the AHB protected children from sexual violence and from being recruited into the “homosexual lifestyle;” they also argued that homosexuality was “un-African” and a danger to children.⁸⁵

In December 2013, the Ugandan legislature passed the bill as the Anti-Homosexuality Act (“AHA”).⁸⁶ In the new version, the death penalty was replaced with life imprisonment and the failure to report provision was removed. The provisions concerning promotion of homosexuality and aiding and abetting were retained.⁸⁷ President Museveni signed the AHA into law in February 2014, and the AHA was in effect for five months until the Constitutional Court invalidated it on the basis of a parliamentary irregularity.⁸⁸

During the period the law was in effect, violence and discrimination escalated, and the climate of homophobia intensified. One example is the police raid and temporarily closure of two organizations accused of “promoting homosexuality.”⁸⁹

The enactment of the AHA appears to have affected the interpretation of Section 145 of the Penal Code (the provision criminalizing same-sex sexual conduct). In June 2014, in a case arising out of the raid of a 2012 human rights advocacy workshop for LGBTI activists, the High Court of Uganda found that, under the penal code, direct and indirect “promotion of homosexuality” amounts to incitement to commit “homosexual acts” and “conspiracy to effect unlawful purposes.”⁹⁰ As a result, the court found that the raid of the LGBTI activists’ workshop did not amount to a “breach of their Constitutional rights.”⁹¹

⁸⁴ *Ugandan Lawmakers to Revive Anti-gay Law: Parliamentarian Says the Bill will be treated as a ‘National Priority,’* CBS News (Aug. 6, 2014 11:23 AM), <http://www.cbc.ca/news/world/ugandan-lawmakers-to-revive-anti-gay-law-1.2728943>; see also *Anti-Gay Bill: Speaker Kadaga Promises to Speed up Law*, Civ. Soc’y Coalition on Hum. Rts. and Const. Law, <http://www.ugandans4rights.org/index.php/video-records/video/random/anti-gay-bill-speaker-kadaga-promises-to-speed-up-law-.html> (last visited Oct. 4, 2015).

⁸⁵ *M7 Reaffirms Promise to Sign Anti-gay Bill into Law*, Redpepper (Feb. 21, 2014), <http://www.redpepper.co.ug/m7-reaffirms-promise-to-sign-anti-gay-bill-into-law/> (reproducing President Yoweri Museveni’s statement on the passage of the bill stating that “Africans do not seek to impose their views on anybody [and] do not want anybody to impose their views on [them]. This very debate was provoked by Western groups who come to our schools and try to recruit children into homosexuality. It is better to limit the damage rather than exacerbate it.”).

⁸⁶ The Anti-Homosexuality Act (2014) (Uganda), <http://www.ulii.org/files/Anti-Homosexuality-Act-2014.pdf>.

⁸⁷ *Id.* §§ 7, 13.

⁸⁸ *Oloka-Onyango v. Attorney General*, No. 08, Constitutional Court of Uganda (Aug. 1, 2014), <http://www.ulii.org/ug/judgment/constitutional-court/2014/14>.

⁸⁹ Amnesty International, *Rule by law: Discriminatory Legislation and Legitimated Abuses in Uganda* 41 (2014), <http://www.amnestyusa.org/sites/default/files/afr59062014en.pdf> [hereinafter *Rule by law*]. See also The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation, *Uganda Report of Violations Based on Gender Identity and Sexual Orientation* 15 & 30 (2015), http://www.hrapf.org/sites/default/files/publications/15_02_22_lgbt_violations_report_2015_final.pdf [hereinafter Consortium].

⁹⁰ See *Nabagesera and 3 Ors. v. Attorney General & Anor* (2014) UGHCCD (Uganda), available at <http://www.ulii.org/ug/judgment/high-court/2014/85>.

⁹¹ *Id.*

2. Intentional and Severe Discrimination, and Violence Against LGBTI Ugandans (Indicators 7.3, 7.7, 7.8, 7.9, 11.1, 11.2, 11.3, 12.8, 12.9 & 12.10)

The impact of the inflammatory rhetoric, propaganda campaigns and criminalization of LGBTI Ugandans has been significant. Clear evidence exists of political and legal harassment,⁹² state-private violence,⁹³ constricted use and barriers to health services,⁹⁴ and forced evictions.⁹⁵ Threats and fear of exposure or potential harm have been found to pervade the LGBTI community, and reports of flight from the country in anticipation of targeted violence are also common.⁹⁶

a. State and Private Physical and Sexual Violence Against LGBTI Individuals (Indicators 7.3, 7.8, 7.9, 11.1, 11.3, 12.9 & 12.10)

State actors and private citizens have perpetrated systematic violence against LGBTI individuals. This violence is characterized, in particular, by sexual violence, such as forced “anal examinations” in detention⁹⁷ and “corrective rapes”.⁹⁸ The Ugandan Police Force (UPF) has been accused of numerous instances of torture and other cruel, inhuman, or degrading treatment against members of the LGBTI community. LGBTI individuals arrested by the police, often arbitrarily, reported that the police, among other mistreatment, beat them, forced them to strip, fondled their genitals, ordered medical examiners to forcibly probe them anally, and committed acts of sexual violence against them.⁹⁹

⁹² See *Rule by law*, supra note 89.

⁹³ See e.g., Int’l Gay and Lesbian Hum. Rts. Comm’n & Freedom and Roam Uganda, *Shadow Report: Violation of the Human Rights of Lesbian, Bisexual, Transgender (LBT), and Kuchu People in Uganda* 9 (2010), <http://www.iglhrc.org/sites/default/files/445-1.pdf> [hereinafter Int’l Gay and Lesbian Hum. Rts. Comm’n]; Chapter Four, *Uganda: Where Do We Go For Justice. The Abuse of the Rights of Sexual Minorities in Uganda’s Criminal Justice System* 17 (2015) <http://www.scribd.com/doc/257167995/Uganda-Report-Police-Abuse-Exams> [hereinafter Chapter Four].

⁹⁴ See e.g., Consortium, supra note 89; *Rule by law*, supra note 89, at 62.

⁹⁵ See, e.g., *Rule by law*, supra note 89, at 55–56; Consortium, supra note 89, at 18, 23, 31–33; Sunnive Brydum, *Ugandan Lesbian Evicted, Landlord cites ‘Jail the Gays’ Law*, Advocate (Mar. 5, 2014, 04:25 PM), <http://www.advocate.com/world/2014/03/05/ugandan-lesbian-evicted-landlord-cites-jail-gays-law>.

⁹⁶ Consortium, supra note 89, at 16; Hum. Rts. Watch, *Uganda: Anti-Homosexuality Act’s Heavy Toll, Discriminatory Law Prompts Arrests, Attacks, Evictions, Flight* (May 14, 2014), <https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll> [hereinafter Human Rights Watch].

⁹⁷ See also Consortium, supra note 89, at 29; *Rule by law*, supra note 89, at 34–35; Org. for Refugee, Asylum & Migration, *Country of Origin Rep.: Sexual and Gender Minorities Uganda* 36 (2014), http://www.oraminternational.org/images/stories/PDFs/Countryoforigin_report.pdf [hereinafter *Uganda Country of Origin Report*].

⁹⁸ “Sexually nonconforming women have reported incidents and threats of ‘curative’ rape, where attackers rape in order to ‘cure’ homosexuality.” *Uganda Country of Origin Report*, supra note 97, at 33; “In some ‘curative’ rape cases, the attackers are members of the victim’s family or neighbors.” *Id.*

⁹⁹ See, e.g., Chapter Four, supra note 93, at 11–12, 21–22; *Rule by law*, supra note 89 at 34–35, 37; Mukasa & Another v. Attorney General (2008) AHRLR 248, 3 (Uganda), <http://www.chr.up.ac.za/index.php/browse-by-subject/490-uganda-mukasa-andanother-v-attorney-general-2008-ahrlr-ughc-2008-.pdf> (last visited Oct. 27, 2015); see also Human Rights Watch, supra note 96; E.g., Consortium, supra note 89, at 29; *Uganda Country of Origin Report*, supra note 97, at 25.

Individuals suspected of homosexuality-related crimes have been subject to severe cruel, inhuman and degrading treatment in police custody.¹⁰⁰ For example, there are reports that police arrested LGBTI individuals and forced them to strip, sometimes publicly, to determine whether they were men or women.¹⁰¹ Police and forensic medical examiners systematically conduct “anal examinations” to suspected perpetrators and victims of “homosexuality” related crimes.¹⁰² Without obtaining consent from the accused, police officers take individuals in custody to doctors who forcibly insert[] their “fingers in the rectum to determine the circumference of the rectum and locate any signs of rectum penetration.”¹⁰³ Doctors and victims subjected to anal probing report that police officers order suspects or victims to remove their clothing, and either to bend over or to lie on an examination table with one leg up while the examiner looks for bruising, lesions, or sexually transmitted infections and then inserts fingers or other objects into their rectums to test “anal tone” for signs of penetration.¹⁰⁴

Police have also forced suspects to appear before media outlets while reporters photograph them and publicly read their police statements.¹⁰⁵ Such public humiliation, media parading, and “outing” puts LGBTI individuals at risk for additional violence or harms within their communities. For instance, one LGBTI individual reported that, after police arrested him and paraded him before the media, an “anti-gay vigilante group” in his community tried to lynch him.¹⁰⁶

The Ugandan police have also been accused of extortion against LGBTI people, which usually takes the form of a police officer’s threat to “out” LGBTI people by informing others about the individual’s sexuality.¹⁰⁷

Sexual violence at the hands of non-state actors has been reported, with little or no recourse to state institutions to file a complaint or receive active investigation of the crime. LGBTI

¹⁰⁰ Consortium, *supra* note 89, at 24-29; *See also* Mukasa, AHRLR 248, at 3-4.

¹⁰¹ Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 12 (quoting Interview #6 with member of FARUG on Aug. 31, 2010) (“the two female officers came in and stripped me and touched my private parts.”); *Id.* (“in most cases with the arrests that I’ve had there’s that element of stripping which up to now, what I think about it, actually brings tears to my eyes.”); Danish Refugee Council, *Situation of LGBT Persons in Uganda, Joint Report from the Danish Immigration Service’s and the Danish Refugee Council’s fact finding mission to Kampala, Uganda from 16 to 25 June 2013*, 45 (Jan. 2014), <https://www.nyidanmark.dk/NR/rdonlyres/C0BC7D6B-C3E0-46DA-B151-EA7A28E4362F/0/SituationofLGBTpersonsinUgandaFinal.pdf> (“A list of the complaints filed by LGBT individuals [with UHRC]: . . . Undressing victims to check for exact gender”). *See also*, Mukasa, AHRLR 248, at 3 (finding that when a female taken into custody had been forced to urinate on herself, strip naked in front of male authorities to prove her sex, and was sexually assaulted, it amounted to cruel, inhuman and degrading treatment). *See also*, Glenna Gordon, *Being Gay in Uganda: One Couple’s Story*, Time World, (Mar. 8, 2010), <http://www.time.com/time/world/article/0,8599,1969667,00.html>.

¹⁰² Chapter Four, *supra* note 93, 10-11.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 25.

¹⁰⁶ *Id.* at 26.

¹⁰⁷ International Gay & Lesbian Human Rights Commission, *Report on the Rights of Lesbian, Gay, Bisexual and Transgender People in the Republic of Uganda Under the African Charter of Human and Peoples’ Rights* 8 (2006), available at <http://www.iglhrc.org/sites/default/files/105-1.pdf> (“The police themselves often act as the blackmailer, and when they are not, they are still often complicit in the crime.”). *See also*, Danish Refugee Council, *supra* note 101 at 21; *Rule by law*, *supra* note 89 at 34.

individuals have faced rape or other forms of sexual violence at the hands of other Ugandans who find out or suspect they are LGBTI.¹⁰⁸ There are also reports of “corrective rape,” sometimes organized by family members, as an attempt to change the individual’s sexual orientation.¹⁰⁹ Some individuals also report that, when family members found out that they were gay, the family forced them into marriage in order to prevent the community from finding out their sexuality.¹¹⁰

b. Denial of Health Care Access, including Sexual Health Services, and HIV Testing and Treatment, for LGBTI Individuals (Indicators 7.2, 7.7 & 7.8)

There has been a particularly concerning impact on sexual health services offered to LGBTI people. In 2006, the Uganda AIDS Commission stated that gays and lesbians were omitted from the “national strategic framework, because the practice of homosexuality is illegal.”¹¹¹ Since the AHB was first introduced in Parliament in 2009, LGBTI people have experienced a further decrease in access to physical and mental health services.¹¹² Specifically, the law’s prohibition on “promoting homosexuality” has resulted in severe discrimination against LGBTI people in Uganda in obtaining healthcare, endangering lives and health. A health care provider to the gay population in Kampala, Most At Risk Populations Initiative, or MARPI, reported a marked decrease from ten to three LGBT patient visits per week between 2008 and 2010.¹¹³ Transgender women are reluctant to go for medical assistance and tests, fearing they will have to justify their sexuality and gender identity to health care providers.¹¹⁴

The International HIV/AIDS Alliance warned that anti-gay legislation would add to this number, especially among those most at risk, such as gay and transgender people.¹¹⁵ The denial of or limitations on access to health services appears to have had such an impact on HIV rates.

¹⁰⁸ E.g., Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 11 (quoting Interview #4 with member of FARUG on Aug. 30, 2010, with interviewee recounting that “...they said ‘you remind us, aren’t you that lesbian that lives up there with your funny girlfriend?’ (...) they told me to close my eyes. So one does his thing and I’m like you’re done, can I please go? The man says, ‘No, it’s my turn now.’”).

¹⁰⁹ *Uganda Country of Origin Report*, *supra* note 97, at 33 (“In some ‘curative’ rape cases, the attackers are members of the victim’s family or neighbors.”). See also Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 9 (“LBT/kuchu people are verbally and physically attacked and raped in the public sphere and in private, by police, by teachers, by neighbours, by family members, and by strangers.”).

¹¹⁰ Danish Refugee Council, *supra* note 101, at 57.

¹¹¹ *Uganda Stuck in the Closet: Gays Left Out of HIV/AIDS Strategy*, IRIN (Mar. 17, 2006), <http://www.irinnews.org/report/39429/uganda-stuck-in-the-closet-gays-left-out-of-hiv-aids-strategy>; J. Oloka-Onyango, ‘We Are More Than Just Our Bodies’: HIV/AIDS and the Human Rights Complexities Affecting Young Women who have Sex with Women in Uganda 36 (2012).

¹¹² *Rule by law*, *supra* note 89, at 61.

¹¹³ Homas Muyunga, *Effects of a Two Year Sustained Anti-Gay Campaign on Health Seeking Behaviour of the Sexual Minorities in Uganda*, 1 (Jan. 10, 2010),

<http://www.msmgf.org/files/msmgf/SubSaharanAfrica/EffectsUganda.pdf>.

¹¹⁴ *Uganda Country of Origin Report*, *supra* note 97 (citing *Ugandan Transwomen Demand an End to Gender Based Violence and Institutional Prejudice against Them*, Transgender Equality Uganda (Nov. 30, 2012)).

¹¹⁵ Int’l HIV/AIDS Alliance, *Uganda’s “Anti-Homosexuality” Bill Will Have a Disastrous Impact on Country’s HIV Response*, Thomson Reuters Foundation (Dec. 20, 2013), <http://www.trust.org/item/20131220135510-8rqz9/?source=hptop>.

According to the latest estimates from UNAIDS (2013), the number of Ugandans living with HIV has increased from 1.2 million in 2007 to 1.6 million in 2013.¹¹⁶

During the five months the AHA was in effect, LGBTI individuals faced increased levels of discrimination and denial of necessary health care treatment at some clinics.¹¹⁷ The AHA criminalized “promoting homosexuality” in terms so vague that health care providers feared prosecution for treating LGBTI HIV/AIDS patients, resulting in a chilling effect on providing care. Following the April 3, 2014 police raid of the U.S.-funded Makerere University Walter Reed Project, known for its HIV/AIDS services to LGBT people,¹¹⁸ there was a drop in both available sexual health services and the number of HIV-positive LGBTI individuals pursuing treatment due to an increased fear of police raids and arrests.¹¹⁹ Icebreakers, an organization operating a clinic providing free medical services to LGBTI people, reported a 50 percent decrease in visits by LGBTI people when the AHA was in effect.¹²⁰ In August 2014, Prime Minister Ruhakana Rugunda, the former Ugandan Minister of Health, acknowledged the existence of discrimination against gay men and sex workers at health centers and noted that the government lacked the capacity to address it.¹²¹

The negative health impact of the AHA was further compounded by the HIV and AIDS Prevention Control Act, signed into law on July 31, 2014,¹²² which threatens to further discourage LGBTI people from seeking HIV/AIDS medical assistance because it criminalizes attempted and intentional transmission of HIV.¹²³ These retributive provisions will further stigmatize and cause greater discrimination against those living with HIV/AIDS.

c. Increasing Discrimination and Violence Perpetrated against LGBTI Individuals in Work, Housing and Education (Indicators 7.3, 7.8, 7.9, 11.1, 11.3, 12.9 & 12.10)

The media’s propaganda campaigns and criminalization of LGBTI individuals have resulted in a hostile environment in which state and non-state actors have taken a number of oppressive and discriminating initiatives against members of the LGBTI community, especially in the workplace, in housing, and in educational institutions. Particularly effective anti-LGBTI rhetoric is the campaign against those who “promote homosexuality” and the idea that homosexuality is a

¹¹⁶ Uganda AIDS Commission, *The Republic of Uganda: HIV and AIDS Uganda Country Progress Report VI* (2013), http://www.unaids.org/sites/default/files/country/documents/UGA_narrative_report_2014.pdf.

¹¹⁷ *Rule by law*, *supra* note 89, at 62.

¹¹⁸ The program was temporarily shut down for allegedly “training youths in homosexuality.” The police also arrested one of the clinic’s employees for “unethical research” and “recruiting homosexuals.” See Press Release, U.S. Dep’t of St., *Raid on the Makerere University Walter Reed Project by Ugandan Authorities* (Apr. 4, 2014), <http://www.state.gov/r/pa/prs/ps/2014/04/224431.htm>; see also Rodney Muhumuza, *Uganda’s Makerere University Walter Reed Project Raided in Wake of Anti-Gay Law*, Huffpost (Apr. 4, 2014), http://www.huffingtonpost.com/2014/04/04/uganda-aids-group-gay-law_n_5092692.html.

¹¹⁹ *Rule by law*, *supra* note 89, at 62–63.

¹²⁰ *Id.* at 63.

¹²¹ Maria Burnett, *President Kim's Clarion Call*, World Post (Oct. 07, 2014, 5:44 PM), http://www.huffingtonpost.com/maria-burnett/president-kims-clarion-ca_b_5948676.html.

¹²² The HIV and AIDS Prevention Control Act (2014) (Uganda), available at <https://www.scribd.com/doc/237225003/Signed-Ugandan-HIV-and-AIDS-Prevention-and-Control-Act-2014>.

¹²³ *Id.* at §§41, 43.

personal lifestyle choice into which individuals—especially children and youth—can be recruited.¹²⁴ Individuals and NGOs who might otherwise aim to protect LGBTI people have thus become vulnerable to criminal arrests, prosecutions and convictions “for promoting” or “aiding and abetting” homosexuality, which could involve merely tolerating LGBTI people at work, at school, as tenants and members of the household, or as customers.

Discrimination and harassment in the workplace are reportedly common and have increased as a result of the propaganda and criminalization efforts against LGBTI people. Individuals who are LGBTI have been denied employment or harassed on the basis of their appearance, sexual orientation or gender.¹²⁵ Sometimes people will leave their jobs before they can be “outed,” as the potential of being exposed as an LGBTI individual puts them at risk of various forms of violence, including rape and other physical or sexual assault, in the community.¹²⁶

Additionally, increased housing discrimination and forced evictions have been reported since the enactment of the AHA. By making it a crime for individuals to own, occupy or manage a property and knowingly allow same-sex sexual activity in it, Uganda legalized direct discrimination against LGBTI individuals in housing.¹²⁷ There have been a number of reports by LGBTI persons that landlords evicted them after the enactment of the AHA; these LGBTI individuals are then left vulnerable, which sometimes causes them to seek refuge in other cities or countries.¹²⁸

There have also been reports that school officials frequently expel people from school for being suspected of or caught engaging in intimate relations with a person of the same sex or because they are known or perceived to be LGBTI.¹²⁹ In 2005, the Ugandan Ministry of Education

¹²⁴ Kristen Cheney, *Locating Neocolonialism, “Tradition,” and Human Rights in Uganda’s “Gay Death Penalty”* 55 *Afr. Stud. Rev.* 77, 84, 89 (2012),

https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/african_studies_review/v055/55.2.cheney.pdf.

¹²⁵ Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 25 (quoting Interview #8 with member of FARUG on Aug. 31, 2010: “In my case I’ve really tried to apply for job, and when they look at me . . . then someone tells me, ‘but you have to change your dress code, you have to.’”) (quoting Interview #4 with member of FARUG on Aug. 30, 2010: “they tried to sexually harass me . . . so [the boss] asked me, it’s taken me four years to ask this question, are you a lesbian? (...) I told him, I hope you don’t use this against me some day, yes I am and he said, awesome so how do you guys do it? (...) he was under a lot of pressure, he had to write a letter to sack me.”).

¹²⁶ *E.g.*, Danish Refugee Council, *supra* note 101, at 56 (“According to the Co-coordinators Clare Byarugaba and Geoffrey Ogwaro of the CSCHRCL, LGBT individuals face harassment at the workplace. The CSCHRCL had knowledge about direct harassment by employers and/or colleagues, as well as indirect harassment, where LGBT persons had left their job out of fear of being outed as an LGBT person.”); Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 25 (quoting Interview #11 with member of FARUG on Aug. 30, 2010: “my workmates didn’t like me due to the fact that they were suspecting something . . . they blamed me leaving the job by blackmailing me so I decided to leave by myself . . .”).

¹²⁷ The Anti-Homosexuality Act § 11(2) (2014) (Uganda), available at <http://www.ulii.org/files/Anti-Homosexuality-Act-2014.pdf>.

¹²⁸ Danish Refugee Council, *supra* note 101, at 54–55; see *Uganda Country of Origin Report*, *supra* note 97, at 48. See also, Brydum, *supra* note 95.

¹²⁹ *E.g.*, Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 20 (quoting Interview #9 with member of FARUG on August 31, 2010: “I was even expelled in a certain school, in college, because girls were fighting for me.”). *Id.* (quoting Interview #1: “Most trans people are forced out of school or they drop out . . . are punished (...) you either have to fight or drop out of be forced out of your school.”); Danish Refugee Council, *supra* note 101, at 66 (A list of the complaints filed by LGBT with UHRC included “[d]ismissal from school on grounds of sexual orientation.”).

warned that any students caught engaging in “homosexual activity” would be suspended indefinitely.¹³⁰ School officials have accused LGBTI individuals of “teaching people how to become lesbians” or “spoiling the school.”¹³¹

3. Inflammatory Rhetoric and Propaganda Campaigns (Indicators 7.12, 7.13, 7.14 & 12.8)

a. Religious and Political Leaders’ Rhetoric and Campaigns Against LGBTI Ugandans

Eighty-five percent of its population identifies as Christian.¹³² A significant portion of practicing Christians can be categorized as Protestant.¹³³ A number of Christian congregations in Uganda are connected with anti-gay evangelicals and leaders in the U.S.¹³⁴

Morality and religion play an integral role in Ugandan political decisions,¹³⁵ and political and religious leaders have used these value systems to motivate and mobilize for the passage of anti-LGBTI legislation and other discrimination against LGBTI.¹³⁶

The long-standing instability of Ugandan political and communal relationships provides a further context in which the salience of a common enemy can prove useful in mobilizing political or social consensus in times of crisis. Over the last decade, religious and political leaders in

¹³⁰ Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 47. *See also* F. Ahimbisibwe, *Students Warned on Homosexuality*, New Vision (Feb. 4, 2005), <http://www.newvision.co.ug/D/8/13/416267>.

¹³¹ *E.g.*, Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 20–21 (quoting Interview #10 with member of FARUG on Sept. 1, 2010: “I was expelled from school, because I was a lesbian, spoiling the school.”); *Id.* (quoting Interview #4 with member of FARUG on Aug. 30, 2010: “In school I was expelled because the father [of a girl who had written me a note] thought I was teaching the girls how to be lesbians, teaching people how to become lesbians (...) when I was expelled they didn’t give me a specific reason, they just gave me a note and said you have to give it to your mother...and she said, is this what I send you to school for? So she threw me out.”).

¹³² U.S. Dep’t of St., Bureau of Democracy, Hum. Rts., and Lab., *2013 Report on International Religious Freedom* (2014), <http://www.state.gov/documents/organization/222321.pdf> (“According to government data, 85 percent is Christian, 12 percent Muslim, and 3 percent Hindu, Jewish, or Bahai or adheres to indigenous beliefs. Among Christians, 42 percent are Roman Catholics, 36 percent Anglicans, 15 percent Pentecostal or Orthodox Christians, and 7 percent members of evangelical groups.”).

¹³³ Central Intelligence Agency (CIA), *The World Fact Book*, <https://www.cia.gov/library/publications/the-world-factbook/geos/ug.html> (last updated Sept. 25, 2015); Uganda Bureau of Statistics, *National Population and Housing Census 2014: Provisional Results* (rev. ed. 2014), available at <http://www.ubos.org/onlinefiles/uploads/ubos/NPHC/NPHC%202014%20PROVISIONAL%20RESULTS%20REPORT.pdf>.

¹³⁴ Kapyra Kaoma, *Globalizing the Culture Wars: U.S. Conservatives, African Churches, & Homophobia*, Political Research Associations (2009), <http://www.politicalresearch.org/wp-content/uploads/downloads/2012/11/africa-full-report.pdf>.

¹³⁵ Ben Jones, *The Church in the Village, the Village in the Church: Pentecostalism in Teso, Uganda*. 178 *Cahiers d’Études africaines* 497, 497 (2005).

¹³⁶ *See* Daisy Carrington, *On homosexuality: Uganda’s religious leaders*, CNN (Oct. 16, 2014, 11:04 AM), <http://www.cnn.com/2014/10/16/world/africa/on-homosexuality-ugandas-religious-leaders/>; Daniella Zalcmán, *Faces of Faith: Where Religious Leaders in Uganda Stand on LGBT Rights*, Mashable (Sept. 30, 2014), http://mashable.com/2014/09/30/faces-of-faith-where-religious-leaders-in-uganda-stand-on-the-lgbt-community/#_k3taNxlF8qy; Bahati, *Ssempe Face Possible ICC Arrest over Anti-Gay Bill*, Redpepper (Sept. 16, 2013), <http://www.redpepper.co.ug/bahatisempe-face-possible-icc-arrest-over-anti-gay-bill/>.

Uganda—with significant guidance from foreign religious and conservative actors—have elaborated and promulgated a growing picture of the Ugandan LGBTI community as amoral and predatory.¹³⁷

Religious leaders portray the LGBTI community as threatening religious doctrine and belief, violating traditional African norms of family and child rearing, and destroying the health and decorum of a sound society.¹³⁸ This view has created an inflamed atmosphere in which the expanding discrimination and restrictions or removal of legal rights is taking place. Public actors—including government officials and police officers—and ordinary people alike deliberately discriminate, harass and intentionally commit violence against this population by violent speech, acts and oppression.¹³⁹ In this context, expanding criminalization of homosexuality can become a “pretext” or justification for mob violence against LGBTI people.¹⁴⁰

These developments are dangerous when viewed through an atrocity lens.¹⁴¹ Enabling conditions already exist for possible trigger events or unfolding tensions to precipitate mob actions against LGBTI Ugandans as scapegoats, or to permit organized official campaigns of escalating violence against this population to distract from internal or external fissiparous threats.¹⁴²

This strategy especially holds when members of the target group are difficult to identify outwardly, as is the case with many LGBTI people. Even though more members of the LGBTI community are beginning to seek solidarity and visibility, few LGBTI Ugandans identify themselves as LGBTI.¹⁴³

¹³⁷ See, e.g., Cheney, *supra* note 124, at 77, 89; Kapyia Kaoma, *Top Uganda Politician: Western Gays Adopting Children to Turn Them Gay*, Pol. Res. Assoc. (Dec. 3, 2014), <http://www.politicalresearch.org/2014/12/03/top-uganda-politician-western-gays-adopting-children-to-turn-them-gay/#sthash.pgmATkKG.dpbs>.

¹³⁸ See e.g., Morrison Rwakakamba, *Uganda's 'Kill the Gays' bill: Pastor Martin Ssempe and the Anti-Gay Lobby*, Transformation (Mar. 25, 2014), <https://www.opendemocracy.net/transformation/morrison-rwakakamba/ugandas-kill-gays-bill-pastor-martin-ssempe-and-antigay-lobby>; Preamble to The Anti-Homosexuality Bill, No. 18 (2009), Uganda Gazette Supplement No. 47 § 1.1, available at <http://www.boxturtlebulletin.com/btb/wp-content/uploads/2009/10/Bill-No-18-Anti-Homosexuality-Bill-2009.pdf> (“The Bill further aims at providing a comprehensive and enhanced legislation to protect the cherished culture of the people of Uganda. legal, religious, and traditional family values of the people of Uganda against the attempts of sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda. There is also need to protect the children and youths of Uganda who are made vulnerable to sexual abuse and deviation as a result of cultural changes, uncensored information technologies, parentless child developmental settings and increasing attempts by homosexuals to raise children in homosexual relationships through adoption, foster care, or otherwise.”). See also, Cheney, *supra* note 124, at 80, 82, 86.

¹³⁹ *Rule by law*, *supra* note 89, at 46–54.

¹⁴⁰ Consortium, *supra* note 89, at 24, 29.

¹⁴¹ Alex J. Bellamy, *Operationalizing the 'Atrocity Prevention Lens': Making Prevention a Living Reality*, in *Reconstructing Atrocity Prevention* (Sheri Rosenberg et al., eds., 2015).

¹⁴² See Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa*, 56 Afr. Stud. Rev. 31, 33 (2013), http://muse.jhu.edu/journals/african_studies_review/v056/56.2.tamale.pdf; see also *Rule by law*, *supra* note 89, at 46–54.

¹⁴³ See Prince Karakire, *Revisiting Homophobia in Times of Solidarity, Identity, and Visibility in Uganda*, VI Rupkatha J. 2, 97–107 (2014). See also, Human Rights Awareness and Promotional Forum and Civil Society Coalition on Human Rights and Constitutional Law, *Protecting 'Morals' by Dehumanising Suspected LGBTI Persons? A Critique of the Enforcement of the Laws Criminalising Same-Sex Conduct in Uganda* (2013), http://www.hrpf.org/sites/default/files/publications/section_145_research_report_full_version.pdf.

In general, criminal prosecutions under anti-sodomy laws have been difficult to prove in court because of the inherently private nature of the illegal conduct.¹⁴⁴ Thus, regimes seeking to criminalize LGBTI people must gain widespread public support in order for citizens to act as informers and enforcers of the persecutory laws.¹⁴⁵ Due to their leadership status, popular influence, and public stature, politicians, religious leaders, and the media each may play a role in creating an atmosphere of widespread discrimination and antipathy against members of the target group, and thereby facilitate the public to support, either actively or passively, antagonistic measures or outright violence against the stigmatized population.¹⁴⁶ Frequent failures to find sufficient evidence to convict individuals under anti-sodomy laws combined with successfully creating widespread anti-LGBTI public sentiment means that much of the damage to LGBTI individuals happens as a result of campaigns of public “outing” and the consequent abuse in mob violence scenarios and during arrest and detainment.

Scholars have found that inflammatory speech is a catalyst¹⁴⁷—and therefore an important indicator¹⁴⁸—of mass violence against specific targets. Factors include: (1) the power of the speaker, (2) the susceptibility of the audience to the speaker’s message, (3) a clear call to violence, (4) the social and historical context, and (5) the level of influence of the means of transmission.¹⁴⁹ These preconditions are well fulfilled in Uganda. High-level government officials, for example, have made public statements containing vitriolic rhetoric that encourage discrimination and violence against LGBTI people.¹⁵⁰ Public identification and “outing” of

¹⁴⁴ *Proud Heritage: People, Issues, and Documents of the LGBT Experience Vol. 1* 781 (Chuck Stewart ed., 2015); see also, Sylvia Tamale, *Confronting the Politics of Nonconforming Sexualities in Africa*, 56 *Afr. Stud. Rev.* 31, 37, (2013), http://muse.jhu.edu/journals/african_studies_review/v056/56.2.tamale.pdf; Michael Hollander, *Gay Rights in Uganda: Seeking to Overturn Uganda’s Anti-Sodomy Laws*, 50 *Va. J. of Int’l L.* 219, 221 (2009), <http://www.vjil.org/assets/pdfs/vol50/issue1/Hollander-Final-10-27.pdf> (“Like their statutory counterparts in the United States prior to the U.S. Supreme Court’s decision in *Lawrence v. Texas*, the Ugandan antisodomy laws are rarely, if ever, enforced.”).

¹⁴⁵ See generally *Nabagesera*, UGHCCD 85, (denying Plaintiffs’ request for an injunction, in a case concerning “promoting” same sex activity that was largely supported by affidavits).

¹⁴⁶ See *Rule by law*, *supra* note 89, at 8.

¹⁴⁷ *Propaganda, War Crimes Trials and International Law: From Speakers’ Corner to War Crimes* 254 (Predrag Dojcinovic ed., 2012); see also Susan Benesch, *Dangerous Speech: A Proposal to Prevent Group Violence*, The Dangerous Speech Project (2012), <http://www.worldpolicy.org/sites/default/files/Dangerous%20Speech%20Guidelines%20Benesch%20January%202012.pdf>.

¹⁴⁸ UN Framework of Analysis, *supra* note 1. A recent study of the Rwandan genocide finds empirical evidence of a causal link between inflammatory speech and anti-Tutsi violence. The evidence presented not only demonstrated the impact of inflammatory speech on the immediate audience but also its indirect impact on others through a wide range of social and economic interactions. See David Yanagizawa-Drott, *Propaganda and Conflict: Evidence from the Rwandan Genocide* (2014), <http://www.hks.harvard.edu/fs/dyanagi/Research/RwandaDYD.pdf>. A brief submitted to the U.N. Office of the Special Adviser on the Prevention of Genocide and the Responsibility to Protect recounted escalating hate speech against the Roma in Hungary as an early warning of increasing mass atrocity crimes against that population. See FXB Center for Health & Human Rights, *Accelerating Patterns of Anti-Roma Violence in Hungary* (2014), available at http://cdn2.sph.harvard.edu/wp-content/uploads/sites/5/2014/02/FXB-Hungary-Report_Released-February-4-2014.pdf (last visited Oct. 27, 2015).

¹⁴⁹ Benesch, *supra* note 148.

¹⁵⁰ See, e.g., Elizabeth Landau et. al., *Uganda president: Homosexuals are ‘disgusting’*, CNN (Feb. 25, 2014, 9:03 AM), <http://www.cnn.com/2014/02/24/WORLD/AFRICA/UGANDA-HOMOSEXUALITY-INTERVIEW/>; *Homos Targeting Kindergartens, Says Bahati*, Red Pepper (Nov. 5, 2015), <http://www.redpepper.co.ug/homos-targeting-kindergartens-says-bahati/>; Philippa Croome, *Uganda’s Gays Fear Mounting Violence in Wake of Anti-Gay Bill’s*

suspected LGBTI individuals and groups have become routine in the last ten years,¹⁵¹ while inflammatory speech directed against the LGBTI community has been disseminated through a variety of channels including all levels of public pronouncement by government and parliamentary officials, religious leaders, and a wide range of state and private media outlets.¹⁵²

The content of public messaging has been deeply stigmatizing and exposing,¹⁵³ encouraging of physical abuse,¹⁵⁴ imprisonment,¹⁵⁵ forced expulsion,¹⁵⁶ and even murder.¹⁵⁷ For instance, in 2007, former Minister of Justice and Chairman of the Uganda Land Commission J.S. Mayanja-Nkangi branded LGBTI people a “sexually predatory group” and “morally corrupt,” whose effects on Uganda “must be erased.”¹⁵⁸ In 2010, Member of Parliament Odonga Otto publicly stated that gays should suffer death by hanging and public stoning.¹⁵⁹

There also exists a mobilizing power of the embedded argument against the LGBTI community: President Museveni and other leaders invoke an implied threat to bedrock religious values and play upon a growing anxiety about the pernicious challenge of Western modernity to established traditional norms of family and community.¹⁶⁰ For example, President Museveni publicly stated

Passage, CNN (Dec. 23, 2013, 7:45 PM), <http://www.cnn.com/2013/12/23/world/africa/uganda-anti-gay-bill/> (quoting Simon Lokodo, Uganda’s Minister for Ethics and Integrity, stating that “[w]hat we are convinced and sure of is that nobody can in one’s right conscience and consciousness choose to be homosexual.... This must be under pressure or conditions because we know that the natural tendency is always for a male to go for a female and vice-versa.”).

¹⁵¹ See *100 Pictures of Uganda’s Top Homos Leak*, Rolling Stone (Uganda) (Oct. 2, 2010); see also *Kasha Jacqueline, Pepe Onziema & David Kato v. Giles Muhame & Rolling Stone Publications Ltd.* (2011) Misc. Cause No. 163/2010 1, 9 (Uganda), available at [http://www1.chr.up.ac.za/images/files/documents/smr/cases/SMR-Jacqueline%20Kasha%20&%20Others%20v.%20Rolling%20Stone%20Ltd%20\(2010\).PDF](http://www1.chr.up.ac.za/images/files/documents/smr/cases/SMR-Jacqueline%20Kasha%20&%20Others%20v.%20Rolling%20Stone%20Ltd%20(2010).PDF); *Exposed! Uganda’s 200 Top Homos Named*, Redpepper (Feb. 25, 2014); see also *Ugandan ‘homosexuals’ named in Red Pepper paper*, BBC News (Feb. 25, 2014), <http://www.bbc.com/news/world-africa-26338941>.

¹⁵² See, e.g., Elizabeth Landau et. al., *Uganda president: Homosexuals are ‘disgusting’*, CNN (Feb. 25, 2014, 9:03 AM), <http://www.cnn.com/2014/02/24/WORLD/AFRICA/UGANDA-HOMOSEXUALITY-INTERVIEW/>; Kapyia Kaoma, *Top Uganda Politician: Western Gays Adopting Children to Turn Them Gay*, Pol. Res. Assoc. (Dec. 3, 2014), <http://www.politicalresearch.org/2014/12/03/top-uganda-politician-western-gays-adopting-children-to-turn-them-gay/#sthash.pgmATkKG.dpbs>; *100 Pictures of Uganda’s Top Homos Leak*, Rolling Stone (Uganda) (Oct. 2, 2010); Dudeuter, *Eat Da Poo Poo: Intense Uganda Hate speech Against Homosexuals*, YouTube (May 24, 2014), <https://www.youtube.com/watch?v=euXQbZDwV0w>.

¹⁵³ Danish Refugee Council, *supra* note 101, at 10.

¹⁵⁴ *Id.* at 23.

¹⁵⁵ *Rule by law*, *supra* note 89, at 32.

¹⁵⁶ Int’l Gay and Lesbian Hum. Rts. Comm’n, *supra* note 93, at 20.

¹⁵⁷ *100 Pictures of Uganda’s Top Homos Leak*, Rolling Stone (Oct. 2, 2010) (containing pages with certain individuals’ information under the headline “hang them”).

¹⁵⁸ J.S. Mayanja-Nkangi, *Homosexuals, Lesbians, Erode National Decency*, New Vision (Dec. 16, 2007), <http://www.newvision.co.ug/D/8/459/602379>.

¹⁵⁹ Ondonga Otto, *MP’s FORUM: I Can’t Believe Some People’s Stand on Gays*, THE OBSERVER, Feb. 28, 2010, https://web.archive.org/web/20100302201716/http://www.observer.ug/index.php?option=com_content&task=view&id=7449&Itemid=66; Human Rights First, *Communities Under Siege: LGBTI Rights Abuses in Uganda*, <http://www.humanrightsfirst.org/wp-content/uploads/Discrimination-against-LGBTI-Ugandans-FINAL.pdf> (last visited Oct. 2, 2015); see also *Uganda Country of Origin Report*, *supra* note 97, at 38.

¹⁶⁰ Preamble to The Anti-Homosexuality Bill, No. 18 (2009), Uganda Gazette Supplement No. 47 § 1.1, available at <http://www.boxturtlebulletin.com/btb/wp-content/uploads/2009/10/Bill-No-18-Anti-Homosexuality-Bill-2009.pdf> (“The Bill further aims at providing a comprehensive and enhanced legislation to protect the cherished culture of the people of Uganda. legal, religious, and traditional family values of the people of Uganda against the attempts of

that homosexuality was “a decadent culture . . . being passed by Western nations . . . [and] a danger not only to the [Christian] believers but to the whole of Africa.”¹⁶¹ In other words, according to political and religious leaders’ rhetoric, LGBTI individuals are responsible for the erosion of family and community values in Uganda.¹⁶²

b. Media “Outing” Campaigns (Indicator 11.4)

Major media outlets in Uganda have echoed the homophobic declarations and political decisions of political and religious leaders. The media’s most dangerous tactic is the “outing” campaign, whereby media outlets specifically identify and single out alleged LGBTI individuals to the police and the public for discrimination and violence. For example, the *Rolling Stone*, a tabloid newspaper, has published the names, pictures and other identifying information about individuals who they claim are LGBTI.¹⁶³ The *Red Pepper* also invites the public to contribute names to support its “outing” campaign.¹⁶⁴ Despite the 2010 judgment by the Ugandan High Court holding that such lists produced by the media violate the right to privacy,¹⁶⁵ newspapers have continued to engage in these tactics.¹⁶⁶

c. Escalating Dangerous Speech Against the LGBTI Community (Indicator 7.14)

The escalation and accelerating pace of dangerous speech, campaigns and government legal action against the gay population in Uganda invokes a crucial analytic component of the U.N. Framework. Early warning for atrocity is grounded on an assessment of timeframe: how recent are the events, how rapidly are they accumulating, and what evidence is there of incitement linked to the pace of events. This information lends empirical credence to the concern of seasoned observers that a campaign against vulnerable groups is underway and becoming more hostile; that it may become progressively more violent against individual members of the group;

sexual rights activists seeking to impose their values of sexual promiscuity on the people of Uganda. There is also need to protect the children and youths of Uganda who are made vulnerable to sexual abuse and deviation as a result of cultural changes, uncensored information technologies, parentless child developmental settings and increasing attempts by homosexuals to raise children in homosexual relationships through adoption, foster care, or otherwise.”). See also, Cheney, *supra* note 126, at 80, 82, 86.

¹⁶¹ Gupta, *supra* note 17, at 3-4.

¹⁶² Faith Karimi and Nick Thompson, *Uganda's President Museveni signs controversial anti-gay bill into law*, CNN (Feb. 25, 2014, 9:00 AM), <http://www.cnn.com/2014/02/24/world/africa/uganda-anti-gay-bill/>; Morrison Rwakakamba, *Uganda's 'Kill the Gays' Bill: Pastor Martin Ssempe and the Anti-Gay Lobby*, Transformation (Mar. 25, 2014), <https://www.opendemocracy.net/transformation/morrison-rwakakamba/ugandas-kill-gays-bill-pastor-martin-ssempe-and-antigay-lobby>.

¹⁶³ *100 Pictures of Uganda's Top Homos Leak*, Rolling Stone (Oct. 2, 2010).

¹⁶⁴ Cecilia Strand, *Homophobia as a Barrier to Comprehensive Media Coverage of the Ugandan Anti-Homosexual Bill*, 59 J. of Homosexuality 564, 567-68 (2012). In addition to *Red Pepper*, other newspapers have contributed to “outing” campaigns. See, e.g., Jim Burroway, *Second Ugandan Tabloid Gets Into the “Outing” Act*, Box Turtle Bulletin (Nov. 1, 2010), <http://www.boxturtlebulletin.com/2010/11/01/27680> (reproducing an image of a Ugandan Newspaper, the *Sunday Onion*, which featured a front page headline purporting to expose LGBT persons).

¹⁶⁵ Kasha Jacqueline, Pepe Onziema & David Kato v. Giles Muhame & Rolling Stone Publications Ltd.(2011) Misc. Cause No. 163/2010 1, 9 (Uganda), available at [http://www1.chr.up.ac.za/images/files/documents/smr/cases/SMR-Jacqueline%20Kasha%20&%20Others%20v.%20Rolling%20Stone%20Ltd%20\(2010\).PDF](http://www1.chr.up.ac.za/images/files/documents/smr/cases/SMR-Jacqueline%20Kasha%20&%20Others%20v.%20Rolling%20Stone%20Ltd%20(2010).PDF).

¹⁶⁶ *Exposed! Uganda's 200 Top Homos Named*, Redpepper (Feb. 25, 2014); see also Ugandan 'homosexuals' named in Red Pepper paper, BBC News (Feb. 25, 2014), <http://www.bbc.com/news/world-africa-26338941> (discussing the *Redpepper*'s publication of individuals who are homosexual).

and that potentially this campaign—whether explicitly directed or now more spontaneous and hard to control—might ignite outright violence against the entire group.

This attention to time span and acceleration is mediated by understanding gleaned through historical analysis of mass atrocity and genocide. The factors contributing to the possible eruption of widespread atrocity may accumulate over decades, may accelerate in number and intensity in the course of a year or even a few months, and may continue at a steady smoldering state for an indefinite period thereafter or erupt into atrocities. In other words, assessing *precisely* in terms of time and action when and how intermittent assaults may explode into a more widespread atrocity crime is not feasible, and thus beyond the horizon of predictive capacity. What, as an expert I can discern is that, at a certain point of cumulative stigmatization and popular mobilization, the odds of impending atrocities radically increase.

The following timeline of events is a useful barometer of the evolving events in Uganda affecting the LGBTI community. It, by definition, cannot be comprehensive. However, it illustrates the acceleration of dangerous speech, oppression and severe deprivation of fundamental rights against the LGBTI community in Uganda.

4. Illustrative Timeline of Escalating Dangerous Speech, Oppression & Severe Deprivation of Fundamental Rights Against LGBTI Ugandans

Table 7: Timeline of Escalating Dangerous Speech, Oppression & Severe Deprivation of Fundamental Rights Against LGBTI Ugandans

| Date | Escalating Dangerous Speech, Oppression & Severe Deprivation of Fundamental Rights Against LGBTI Ugandans |
|----------------|---|
| 1990 | Uganda raised the penalty for violating Penal Code Act, Section 145 to life imprisonment. State officials later used the law to justify excluding LGBTI individuals from HIV/AIDS treatment programs. ¹⁶⁷ |
| July 1998 | In one of his earliest pronouncements on the LGBTI community, President Museveni publicly professed during a press conference that: “if you have a rally of twenty homosexuals here, I would disperse it.” ¹⁶⁸ |
| September 1999 | President Museveni publicly stated that he “told the CID [Criminal Investigations Department] to look for homosexuals, lock them up and charge them.” ¹⁶⁹ |
| 2002 | Stephen Langa founded the Family Life Network, a conservative Christian anti-abortion, abstinence-only focused, anti-LGBTI organization. ¹⁷⁰ |
| March & June | Scott Lively, a U.S.-based attorney and evangelical minister, made two trips to |

¹⁶⁷ Gupta, *supra* note 17 (citing *Government warns UNAIDS over gays*, The Daily Monitor (Nov. 29, 2004)); *Uganda: Stuck in the Closet: Gays Left out of HIV/AIDS Strategy*, Plus News (Mar. 17, 2006), <http://www.plusnews.org/report.aspx?reportid=39429>.

¹⁶⁸ *Id.*; Jonathan Cohen and Tony Tate, Human Rights Watch, *The Less They Know the Better: Abstinence-Only HIV/AIDS Programs in Uganda* VI (2005), <http://www.hrw.org/reports/2005/uganda0305/index.htm> (citing *Museveni warns off homosexuals*, The Monitor (Uganda) (Jul. 22, 1998).

¹⁶⁹ Chris McGreal, *Debt? War? Gays Are The Real Evil, Say African Leaders*, THE GUARDIAN (Oct. 1, 1999), <http://www.theguardian.com/world/1999/oct/02/chrismcgreal>.

¹⁷⁰ Political Research Associates, *Profiles on the Right: Stephen Langa*, <http://www.politicalresearch.org/profiles-on-the-right-stephen-langa/#sthash.AmZsQubd.dpbs> (last visited Oct. 2, 2015); Facebook Profile, Family Life Network (Uganda), https://www.facebook.com/pages/Family-Life-Network-Uganda/119799578104954?sk=info&tab=page_info (last visited Oct. 2, 2015).

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| 2002 | Uganda and spoke about “homosexualization” issues, connecting with Ugandan pastors Stephen Langa and Martin Ssempe. ¹⁷¹ He served as a keynote speaker at a major seminar to address “the globalists who use the sexual revolution” and the “global homosexual movement.” ¹⁷² He conducted seminars, media interviews, and met with members of the Kampala City Council, and mayor. ¹⁷³ |
| October 2004 | As Minister of Information, James Nsaba Buturo made public statements urging both legal action against LGBTI people and censorship of their free expression on many occasions. He ordered police to investigate and “take appropriate action against” a gay association allegedly organized at Makerere University, warning that “activities of foreign funded local groups as well as individuals are threatening to undermine our values.” ¹⁷⁴ |
| October 2004 | The government fined and forced the station <i>Radio Simba</i> to publicly apologize for hosting homosexuals and discussing issues related to the LGBTI community. ¹⁷⁵ |
| November 29, 2004 | The Ugandan Minister of Information called on the U.N. and Ugandan authorities to exclude LGBTI people from HIV/AIDS programs due to Penal Code Act, Section 145. ¹⁷⁶ |
| July 6, 2005 | <i>New Vision</i> , a state-owned newspaper, published an article calling on the government to arrest homosexuals and stifle the media from expressing support for homosexuality: “The police should visit the holes mentioned in the press, spy on the perverts, arrest and prosecute them. Relevant government departments must outlaw or restrict websites, magazines, newspapers and television channels promoting immorality – including homosexuality, lesbianism, pornography, etc.” ¹⁷⁷ |
| July 20, 2005 | The police raided the home of prominent trans LGBTI activist, Victor Mukasa, and seized documents related to their work. ¹⁷⁸ |
| September 29, 2005 | President Museveni signed a Constitutional amendment banning same-sex marriage and abolishing presidential term limits. ¹⁷⁹ |
| May 1, 2006 | Buturo urged East African governments to harmonize information technology policies “to counter the evils of technology like homosexuality and pornographic trade that are morally repugnant to the majority of our peoples.” ¹⁸⁰ |

¹⁷¹ Scott Lively, *Witness to Revival in Africa: A Report of the Ministry of Scott and Anne Lively in Uganda, Kenya and Egypt, June 12-25* (2002), <http://www.defendthefamily.com/docs/resources/3038513.pdf>.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Human Rights Watch, *Letter to Congressional Caucus about US Support for Ugandan Homophobia* (Oct. 11, 2007), <http://www.hrw.org/news/2007/10/10/letter-congressional-caucus-about-us-support-ugandan-homophobia> (citing Mwanguhya Charles Mpigi & Hussein Bogere, *Police told to probe MUK Gays*, *The Daily Monitor* (Oct. 29, 2004)).

¹⁷⁵ *Fine for Uganda Radio Gay Show*, BBC (Oct. 3, 2004), <http://news.bbc.co.uk/2/hi/africa/3712266.stm>.

¹⁷⁶ HUMAN RIGHTS WATCH, *THIS ALIEN LEGACY: THE ORIGINS OF “SODOMY” LAWS IN BRITISH COLONIALISM 3* (2008) (citing *Government warns UNAIDS over gays*, *THE DAILY MONITOR* (UGANDA) Nov. 29, 2004), https://www.hrw.org/sites/default/files/reports/lgbt1208_web.pdf.

¹⁷⁷ Gupta, *supra* note 17.

¹⁷⁸ *Mukasa*, AHRLR 248, at 3.

¹⁷⁹ *E.g.*, Human Rights Watch, *Uganda: Same-Sex Marriage Ban Deepens Repression*, Jul. 12, 2005, <https://www.hrw.org/news/2005/07/12/uganda-same-sex-marriage-ban-deepens-repression> (last visited Oct. 2, 2015); *Uganda Bans Gay Marriage*, News24 (Sept. 9, 2005), <http://www.news24.com/World/News/Uganda-bans-gay-marriage-20050929>; Human Rights Watch, *Uganda: Press Homophobia Raises Fears of Crackdown: Government Campaign Against Gay and Lesbian Community Escalates*, Sept. 8, 2006, <https://www.hrw.org/news/2006/09/08/uganda-press-homophobia-raises-fears-crackdown>.

¹⁸⁰ Scott Long, Human Rights Watch, *Letter to Congressional Caucus about US Support for Ugandan Homophobia*, Oct. 11, 2007, <http://www.hrw.org/news/2007/10/10/letter-congressional-caucus-about-us-support-ugandan-homophobia> [hereinafter Scott Long Letter to Congressional Causus] (citing Al-Mahdi Ssenkibirwa, *East Africa: We Need to Regulate IT Laws in East Africa, Says Buturo*, *The Daily Monitor* (May 1, 2006), <http://www.mask.org.za/article.php?cat=kenya&id=1046>).

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| August 8, 2006 | <i>Red Pepper</i> , a Ugandan tabloid, publicly “outed” LGBTI Ugandans, identifying 45 individuals as homosexuals under the headline “GAY SHOCK!” The newspaper “outed” lawyers, army officers, university lecturers, entertainers, bankers, students, and priests. <i>Red Pepper</i> listed the profession, the city of origin, and information on the friends and partners of those accused of being LGBTI. ¹⁸¹ |
| September 7, 2006 | <i>Red Pepper</i> reported that the police in Jinja, Uganda’s second largest city, “launched an operation to repress the gays, who were on the verge of winning the heterosexual generation of the district,” under the headline, “JINJA COPS HUNT FOR GAYS.” The tabloid enlisted the public to track down “sodomites” to prevent them from “polluting” the general population, published the photo of a young gay man who was said to have intimate links to a man already imprisoned for homosexuality—punishable with life imprisonment—and urged its readers to help track him down. ¹⁸² |
| September 8, 2006 | <i>Red Pepper</i> exposed thirteen alleged lesbians and published a picture of two women embracing under the headline “KAMPALA’S NOTORIOUS LESBIANS UNEARTHED.” The newspaper continued: “[t]o rid our motherland of the deadly vice, we are committed to exposing all the lesbos in the city” of Kampala, while telling its readers to “send more names” with “the name and occupation of the lesbin [<i>sic</i>] in your neighborhood and we shall shame her.” The newspaper also gave its readers a special telephone number to call with tips. ¹⁸³ |
| August 2007 | Martin Ssempe, an influential preacher and associate of Scott Lively, ¹⁸⁴ and who served as Ugandan First Lady’s representative on HIV/AIDS issues called for LGBTI people to be excluded from Uganda’s HIV/AIDS programs. ¹⁸⁵ |
| August 21, 2007 | Martin Ssempe organized a rally in Kampala “on behalf of victims of homosexuality.” ¹⁸⁶ <i>Radio One</i> announced that Ugandan Deputy Attorney General Fred Ruhindi called for criminal anti-sodomy laws to be used against lesbians and gays. Ethics and Integrity Minister James Nsaba Buturo declared that homosexuality broke three laws, “the law of God, the law of nature, and the law of the land.” ¹⁸⁷ Days earlier, he publicly called homosexuality “unnatural”—and warned “[w]e know them, we have details of who they are.” ¹⁸⁸ |
| August 23, 2007 | A website (http://kobsrugby.com/demo/) published an official statement by Ssempe, representative of the rally organizers, that listed Ugandan LGBTI rights activists by name. It posted their pictures and contacts, calling them “homosexual promoters.” ¹⁸⁹ |

¹⁸¹ Doug Ireland, *Uganda Witch Hunt Escalates*, Gay City News (Sept. 14, 2006), http://gaycitynews.nyc/gcn_537/ugandawitchhunt.html; Human Rights Watch, *Uganda: Press Homophobia Raises Fears of Crackdown: Government Campaign Against Gay and Lesbian Community Escalates*, Sept. 8, 2006, <https://www.hrw.org/news/2006/09/08/uganda-press-homophobia-raises-fears-crackdown>.

¹⁸² Ireland, *supra* note 181.

¹⁸³ Peter Tatchell, *Uganda is the new Zimbabwe*, The Guardian (Sept. 13, 2006), <http://www.theguardian.com/commentisfree/2006/sep/13/ugandagaysaretheproblemno>; Ireland, *supra* note 181.

¹⁸⁴ Mariah Blake, *Meet the American Pastor Behind Uganda’s Anti-Gay Crackdown*, Mother Jones (Mar. 10, 2014), <http://www.motherjones.com/politics/2014/03/scott-lively-anti-gay-law-uganda>.

¹⁸⁵ Gupta, *supra* note 17, at 4.

¹⁸⁶ Ephraim Kasozi, *Churches Plan Demo Against Homos*, The Daily Monitor (Aug. 21, 2007), <http://allafrica.com/stories/printable/200708210057.html>.

¹⁸⁷ Scott Long Letter to Congressional Causus, *supra* note 180 (citing Katherine Roubos, *Rally denounces homosexuality*, The Daily Monitor (Aug. 22, 2007), <http://allafrica.com/stories/200708220267.html>; *Ugandans hold anti-gay sex rally*, BBC News (Aug. 21, 2007), <http://news.bbc.co.uk/2/hi/africa/6952157.stm>).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* (citing “The Official Statement of Inter Faith, Culture and Family Coalition against Homosexuality in Uganda to the Uganda Government,” Aug. 23, 2007, <http://kobsrugby.com/demo> (last visited Aug. 23, 2007)).

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| August 30, 2007 | The Ugandan Broadcasting Council suspended <i>Capital FM Radio</i> presenter Gaetano Kaggwa and program controller George Manyali for hosting gays and lesbians on their programs. ¹⁹⁰ |
| September 6, 2007 | Minister of Ethics and Integrity James Buturo, in an interview to the <i>Sunday Vision</i> newspaper, said the government was “considering changing the laws so that promotion [of homosexual conduct] itself becomes a crime” and to have “catalogues of people [the government] think[s] are involved in perpetuating the vice of homosexuality.” ¹⁹¹ |
| September 9, 2007 | <p><i>Red Pepper</i> continued to “out” LGBTI Ugandans with headlines that read: “Homo Terror! We name And Shame Top Gays In The City.”¹⁹²</p>  |
| September 2007 | Martin Ssempe declared to news outlets: “Homosexuals should absolutely not be included in Uganda's HIV/AIDS framework. It is a crime, and when you are trying to stamp out a crime you don't include it in your programmes.” ¹⁹³ |
| October 11, 2007 | Human Rights Watch wrote a letter to the U.S. Congress concerned about the “expanding pattern of attacks in Uganda upon the human rights of lesbian, gay, bisexual, and transgender (LGBT) people.” ¹⁹⁴ |
| December 16, 2007 | A state-owned newspaper, <i>New Vision</i> , ¹⁹⁵ and a privately owned newspaper, the <i>Daily Monitor</i> , published an editorial by former Minister of Justice and Chairman of the Uganda Land Commission J.S. Mayanja-Nkangi, branding LGBTI people a “sexually predatory group” and “morally corrupt,” whose effects on Uganda “must be erased.” ¹⁹⁶ |
| December 18, 2007 | Ethics and Integrity Minister, James Nsaba Buturo, compared homosexuality to Satan. ¹⁹⁷ |
| July 14, 2008 | President Museveni calls homosexuality “a decadent culture . . . being passed by Western nations . . . [and] a danger not only to the [Christian] believers but to the whole of Africa.” ¹⁹⁸ |

¹⁹⁰ Human Rights Watch, *A Media Minefield: Increased Threats to Freedom of Expression in Uganda* 13 (2010), <http://www.hrw.org/sites/default/files/reports/uganda0510webwcover.pdf> (last visited Oct. 3, 2015); *Cablegate: Uganda: Homosexuality Remains Illegal and Controversial*, WikiLeaks (Sept. 27, 2007), <http://www.scoop.co.nz/stories/WL0709/S00668/cablegate-uganda-homosexuality-remains-illegal-and-controversial.htm>.

¹⁹¹ Scott Long Letter to Congressional Causus, *supra* note 180 (citing Alfred Wasike, *Tough anti-gay law due*, *Sunday Vision* (Aug. 25, 2007), <http://sundayvision.co.ug/detail.php?mainNewsCategoryId=7&newsCategoryId>).

¹⁹² *Id.* (citing *Homo Terror! We Name And Shame Top Gays In The City*, *The Red Pepper*, Sept. 9, 2007).

¹⁹³ *Id.*

¹⁹⁴ *Id.* (citing Plus News (Aug. 24, 2007), <http://www.plusnews.org/report.aspx?ReportID=73931>).

¹⁹⁵ Scott Long Letter to Congressional Causus, *supra* note 180.

¹⁹⁶ Mayanja-Nkangi, *supra* note 158.

¹⁹⁷ *Id.*

¹⁹⁸ Gupta, *supra* note 17 (citing *Join Politics, Buturo Tells Balokole*, *New Vision* (Dec. 18, 2007)).

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| August 16, 2008 | Speaking as chief guest at the consecration of the Rev. Canon Patrick Gidudu at St. Andrew’s Cathedral, President Museveni praised Anglican bishops for “resisting homosexuality.” Museveni described homosexuality as <i>mtumbavu</i> (stupid) and said “Don’t fear, resist and do not compromise on that. It is a danger not only to the believers but to the whole of Africa. It is bad if our children become complacent and think that people who are not in order are alright.” ¹⁹⁹ |
| March 5, 2009 | Scott Lively and two other Americans, including an ex-gay proponent of sexual re-orientation therapy, travel to Uganda to present anti-LGBTI views at Stephen Langa’s Family Life Network “Seminar on Exposing the Homosexuals’ Agenda,” which included police and politicians. Lively and Langa linked homosexuality to pedophilia and other evils and discussed future anti-gay efforts. ²⁰⁰ During this public seminar, Lively stated: “[n]ow, usually if I’m in the U.S. and I bring this up in an audience and there are screams, ‘how dare you say homosexuality and pedophilia are equated?’ Well, they are equated, because the very same arguments that we can make for homosexuality apply equally to pedophilia in many ways.” ²⁰¹ At another moment, he accused LGBTI people of being predatory, stating that: “[o]ften there are people who were molested themselves and they’re turning it around and looking for other people to be able to prey upon. When they see a child that’s from a broken home it’s like they have a flashing neon sign over their head, you know, ‘my dad doesn’t love me’ or ‘I’m discouraged and full of fear about my future,’ whatever, that child is so vulnerable to a man [...] to come along and say ‘I care about you.’ Now, the next thing you know, that child is identifying as homosexual.” ²⁰² Lively also advised his audience that gay people were responsible for the Holocaust and were “probably” responsible for the Rwandan genocide as well. ²⁰³ |
| March 15, 2009 | Stephen Langa reportedly formed an Anti-Gay Task Force to “wipe out” gay practices in Uganda in the wake of the Family Life Network Conference held on March 5–8, 2009. ²⁰⁴ Langa convened a follow-up seminar on March 15, 2009, where he disseminated copies of Scott Lively’s writings and DVD’s of his speech |

¹⁹⁸ *Id.* at 3–4 (2008) (citing *Museveni Lauds Citizens on Anti-Gay Stand*, NEW VISION, Jul. 14, 2008, <http://www.newvision.co.ug/D/8/18/639029>).

¹⁹⁹ Milton Olupot & Daniel Edyegu, *Museveni Backs Church Against Gays*, NEW VISION (Aug. 17, 2008), <http://www.newvision.co.ug/D/8/12/644954>.

²⁰⁰ Political Research Associates, *Profiles on the Right: Stephen Langa*, <http://www.politicalresearch.org/profiles-on-the-right-stephen-langa/#sthash.AmZsQubd.dpbs> (last visited Oct. 2, 2015); Kapyra Kaoma, *American Cultural Warriors in Africa*, Political Research Associates 21 (2014); Jeffrey Gettleman, *Americans’ Role Seen in Ugandan Anti-Gay Push*, N.Y. Times (Jan. 3, 2010), <http://www.nytimes.com/2010/01/04/world/africa/04uganda.html>; Scott Lively, *Report from Uganda*, Mar. 17, 2009, <http://www.defendthefamily.com/pfrc/archives.php?id=2345952> (last visited Oct. 2, 2015); Kapyra Kaoma, *American Cultural Warriors in Africa* at 21; Political Research Associates, *FULL – Scott Lively Uganda Anti-Homosexuality Conference 2009*, (2014) <https://www.youtube.com/watch?v=e9F9k4guN3M> (last visited Oct. 2, 2015).

²⁰¹ Political Research Associates, *Profiles on the Right: Stephen Langa*, <http://www.politicalresearch.org/profiles-on-the-right-stephen-langa/#sthash.AmZsQubd.dpbs> (last visited Oct. 2, 2015); Gettleman, *supra* note 200; Lively, *supra* note 200; Kaoma, *supra* note 200 at 21; *Scott Lively Uganda Anti-Homosexuality Conference*, *supra* note 200.

²⁰² Political Research Associates, *Profiles on the Right: Stephen Langa*, <http://www.politicalresearch.org/profiles-on-the-right-stephen-langa/#sthash.AmZsQubd.dpbs> (last visited Oct. 2, 2015); Gettleman, *supra* note 200; Lively, *supra* note 200; Kaoma, *supra* note 200 at 21; *Scott Lively Uganda Anti-Homosexuality Conference*, *supra* note 200.

²⁰³ Jim Burroway, *Lively’s Lies: A Profile of Scott Lively*, Political Research Associations (Mar. 1, 2011), <http://www.politicalresearch.org/2011/03/01/livelys-lies-a-profile-of-scott-lively/#sthash.ZMOCDcUa.dpbs>.

²⁰⁴ *Anti-homosexuality group formed in Uganda*, IOL NEWS, March 8, 2009, <http://www.iol.co.za/news/africa/anti-homosexuality-group-formed-in-uganda-1.436641#.VjeoE9LnXsY>; Warren Throckmorton, *Uganda National Pastor Task Force Against Homosexuality Demand Apology from Rick Warren*, Patheos (Dec. 19, 2009), <http://www.patheos.com/blogs/warrenthrockmorton/2009/12/19/uganda-national-pastors-task-force-against-homosexuality-demand-apology-from-rick-warren/>.

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| | at the March 5–8 seminar to “come up with a way forward.” He used Lively’s talking points in his power point presentation. The director of research for Uganda’s Parliament was present and stated that Parliament needed to “draft a new law that comprehensively deals with this issue – the gay agenda as we have seen it.” ²⁰⁵ Attendees reportedly marched to parliament to petition lawmakers to stiffen the punishment for homosexuality. ²⁰⁶ |
| March 17, 2009 | Lively published a report from Uganda in which he described his anti-LGBTI meetings and speeches as “like a nuclear bomb against the ‘gay’ agenda in Uganda.” ²⁰⁷ |
| March 25, 2009 | Stephen Langa held a press conference where he reportedly said there are agents involved in recruiting children into homosexuality and lesbianism through deception, manipulation and coercion. ²⁰⁸ Langa announced they would travel around the country to gather signatures for a petition to be delivered to the President and Parliament. ²⁰⁹ Langa included a purported “ex-gay” man at the press conference who “confessed to recruiting school children into the practice” ²¹⁰ but who later reported he’d been offered money by Martin Ssempe to “switch sides.” ²¹¹ |
| April 1, 2009 | Several members of Parliament spoke out during a parliamentary session of the need for a new law against homosexuality and protesting that “homosexuals” had been “given the opportunity to address press conferences,” demanding a government response. ²¹² |
| April 15, 2009 | After Minister of Ethics and Integrity James Buturo announced that the government would be introducing a bill soon on homosexuality to deal with “recruitment” and warning that if Uganda were to legalize homosexuality, it would “spell the end of human civilization as we know it today,” Shadow Minister of Information and National Guidance, Mr. Christopher Kibansanga, stated: “We must exterminate homosexuals before they exterminate society.” ²¹³ |
| April 19, 2009 | <i>Red Pepper</i> publicly “outed” prominent LGBTI Ugandans, especially activists and even non-LGBT allies, primarily in Kampala. ²¹⁴ |

²⁰⁵ Blake, *supra* note 184.

²⁰⁶ *Id.*

²⁰⁷ Lively, *supra* note 200.

²⁰⁸ *Ugandan Parents Speak Out on Homosexuality*, Uganda Pulse (Mar. 25, 2009),

<https://web.archive.org/web/20090403040658/http://www.ugpulse.com/articles/daily/news.asp?about=Ugandan%20Parents%20concerned%20on%20homosexuality%20&ID=9084>.

²⁰⁹ Moses Mulondo, *Eight Denounce Homosexuality*, New Vision (Mar. 26, 2009)

<http://www.newvision.co.ug/D/8/12/675844>.

²¹⁰ *Id.*

²¹¹ Josh Kron, *Pulling Out All the Stops to Push an Anti-Gay Bill*, N.Y. Times (Apr. 13, 2011),

http://www.nytimes.com/2011/04/14/world/africa/14uganda.html?pagewanted=2&_r=2.

²¹² Proceedings of the Parliament of Uganda (Apr. 1, 2009),

<http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard>.

²¹³ Proceedings of the Parliament of Uganda (Apr. 15, 2009),

<http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard>.

²¹⁴ *Top Homos in Uganda Named*, THE RED PEPPER, Apr. 19, 2009.

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| |  <p>SUNDAY PEPPER, APRIL 19, 2009</p> <p>news</p> <p>TOP HOMOS IN UGANDA NAMED</p> <p>Some of the celebrated homo activists in Kampala</p> <p>Nick: She works with an NGO as a sports coordinator. She calls herself Salongo. Before she gave birth to a baby girl, her girlfriend is named Juan, a singer model. Before she joined the Lesbian society, she was dumped by her Italian based boyfriend.</p> <p>Dan: He is a musician. He is booked by the popular print. He stays in Old Kampala. He was chased from the Pentecostal Church for his homosexual behavior. He behaves like a woman. He says he wants to pursue religious studies so as to be ordained a priest.</p> <p>Pate: A very small and tall man of Asian origin. He looks tough and hardly smiles. He owns one of the most expensive pads in a city suburb. He formerly owned an entertainment club which he sold. He drives a pink Mercedes Benz.</p> <p>Steve: Short and big with dreadlocks, he is a flamboyant lad and one of the most talented guys in the music industry.</p> <p>Jesse: Fat and with girlish looks. He is a computer analyst with a shipping company. He stays in a happening city suburb.</p> <p>Bobby: He is short and medium sized. He spots dreadlocks and works in London. When in Uganda he stays in Bugabbi or Namanda. He was an actor in a top drama group.</p> <p>Michael: He is a medium sized young man who presents on TV.</p> <p>Sam: He is brown and medium sized. He works for a soft drinks company.</p> <p>Geoffrey: A dark skinned medium aged guy. He works with a bank.</p> |
| <p>April 21, 2009</p> | <p>Stephen Langa and Martin Ssempe led a march on Parliament where they handed over a petition to the Deputy Speaker of Parliament and told her that “[t]he serious threat that homosexuality poses to the stability and survival of the family and social fabric of the nation has come to light in the recent past. This threat is real and has the potential to destabilize the country socially, politically and health wise.”²¹⁵</p> |
| <p>April 26, 2009</p> | <p>The <i>Red Pepper</i> “outed” more LGBTI Ugandans under the headline “MORE HOMOS IN UGANDA NAMED.”²¹⁶</p>  |
| <p>April 29, 2009</p> | <p>Member of Parliament David Bahati moved to table the Anti-Homosexuality Bill as a private member’s bill in Parliament. Before he discussed the Bill itself, he introduced an 11-year-old boy present in the gallery and who had reportedly been sexually assaulted by an adult male as a reason for needing the new law.²¹⁷ Martin Ssempe, Stephen Langa, and James Buturo were mentioned as being present in the Parliament when the bill was introduced.²¹⁸</p> |
| <p>June 8, 2009</p> | <p>The Observer ran an article entitled “SODOMY BOOKS INVADE SCHOOLS” that raised alarm about a book on sexuality for teenagers published by UNICEF.²¹⁹</p> |
| <p>October 14, 2009</p> | <p>Member of Parliament David Bahati tabled the Anti-Homosexuality Bill (the first version of the AHA) with the death penalty.²²⁰ Bahati and other evangelical MPs</p> |

²¹⁵ Mercy Nalugo, *Homosexuality Threat to Ugandans – Activists*, Daily Monitor (Apr. 24, 2009) https://web.archive.org/web/20090427134005/http://www.monitor.co.ug/artman/publish/news/Homosexuality_threat_to_Ugandans_activists_83727.shtml.

²¹⁶ *MORE HOMOS IN UGANDA NAMED*, THE RED PEPPER, Apr. 26, 2009.

²¹⁷ Proceedings of the Parliament of Uganda (Apr. 29, 2009), <http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard>.

²¹⁸ *Id.*

²¹⁹ *Sodomy Books Invade Schools*, THE OBSERVER (June 8, 2009), <http://www.observer.ug/component/content/article?id=3692:sodomy-books-invade-schools>.

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| | continued to attempt parliamentary readings of this bill until its eventual passage without the death penalty provision, but with life imprisonment, in December 2013. |
| January 4, 2010 | Kassiano E. Wadri, a member of Parliament and the former chief whip of the opposition, were reported to have stated: “I detest gays in my heart” and that a gay man “needs psychotherapy. You must break him.” ²²¹ |
| February 15, 2010 | Martin Ssempe led a march in Jinja calling for the passage of the Anti-Homosexuality Bill, during which he accused homosexuals of violently raping children in schools. ²²² |
| February 18, 2010 | Martin Ssempe screened graphic, sadomasochistic gay pornography for his congregation during a church service. He then blessed MP David Bahati and prayed for passage of the Anti-Homosexuality Bill. ²²³ |
| February 28, 2010 | Member of Parliament Odonga Otto publicly stated that gays should suffer death by hanging and public stoning. ²²⁴ |
| March 3, 2010 | Lively sent a letter to Ugandan Parliament via Martin Ssempe advising them on the anti-homosexuality legislation under consideration. He advised them to remove the death penalty as it is “disproportionately harsh” and that doing so would “take the wind out of the sails of their current campaign against the bill.” ²²⁵ |
| September 24, 2010 | After giving interviews detailing his experiences as an LGBTI man and teacher in Uganda, <i>Red Pepper</i> ran a cover story distorting his interviews and accusing an LGBTI asylum-seeker of raping young schoolboys, published his photo and in the story title called him a “GAY MONSTER.” ²²⁶ |

²²⁰ Uganda MP Urges Death for Gay Sex, BBC (Oct. 15, 2009), <http://news.bbc.co.uk/2/hi/africa/8308912.stm>; Joanne Nanyange, *Let's Kill the Gays: The Would Be Implications of Section 5(1) of the Anti Homosexuality Act 2014*, The Human Rights Advocate 18–19 (Mar. 2015), http://www.hrapf.org/sites/default/files/publications/15_04_30_hrapf_second_issue_of_the_human_rights_advocate.pdf.

²²¹ Gettleman, *supra* note 200; International Human Rights Program: University of Toronto Faculty of Law, Uganda: Country Report for Use in Refugee Claims Based on Persecution Relating to Sexual Orientation and Gender Identity 20 (2010), http://ihrp.law.utoronto.ca/utfl_file/count/documents/SOGI/Uganda_SOGI_2010.pdf (last visited Oct. 2, 2015).

²²² NTVUganda, *Anti-Gay Campaign: Kampala Activists Take March to Jinja*, (2010) <https://www.youtube.com/watch?v=fCgigtgmBMmU> (last visited Oct. 27, 2010).

²²³ Current TV/Vanguard, *Missionaries of Hate, Part 4 of 5*, (2010) <https://www.youtube.com/watch?v=vKvq6aVp34I> (last visited Oct. 27, 2015); Uganda Cleric Shows Gay Porn Film, BBC News (Feb. 18, 2010), <http://news.bbc.co.uk/2/hi/africa/8521471.stm>.

²²⁴ Ondonga Otto, *MP'S FORUM: I Can't Believe Some People's Stand on Gays*, THE OBSERVER, Feb. 28, 2010, https://web.archive.org/web/20100302201716/http://www.observer.ug/index.php?option=com_content&task=view&id=7449&Itemid=66.

²²⁵ Scott Lively, *My Letter to the Ugandan Parliament and Reply* (Jan. 27, 2011), <http://www.defendthefamily.com/pfrc/newsarchives.php?id=3261726>.

²²⁶ Will O'Bryan, *Radical Retelling*, METRO WEEKLY (Oct. 2, 2010), <http://www.metroweekly.com/2010/10/radical-retelling/>; Will O'Bryan, *The Promised Land*, METRO WEEKLY (Jul. 28, 2010), <http://www.metroweekly.com/2010/07/the-promised-land/>.

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| <p>October 2010</p> | <p><i>Rolling Stone</i> featured a list of 100 names of alleged gays and lesbians with pictures and addresses, and urged the public to “Hang Them.”²²⁷ The front page also warned of the LGBTI community’s plans to recruit one million children.²²⁸ Some of those listed were attacked shortly after the story was published.²²⁹</p>  |
| <p>November 1, 2010</p> | <p><i>Rolling Stone</i> continued its campaign to expose LGBTI individuals by publishing an article with the title “MORE HOMOS’ FACES EXPOSED,” accusing the targeted individuals for spreading HIV and recruiting and raping children.²³⁰</p> |

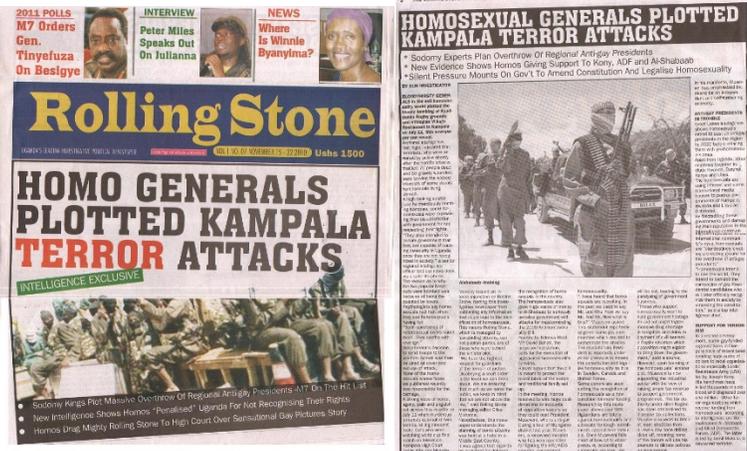
²²⁷ Xan Rice, *Ugandan Paper Calls for Gay People to be Hanged*, THE GUARDIAN (Oct. 21, 2010), <http://www.theguardian.com/world/2010/oct/21/ugandan-paper-gay-people-hanged>.

²²⁸ *Id.*

²²⁹ Godfrey Oluka & Jason Straziuso, *Gays in Uganda Say They’re Living in Fear*, NBC NEWS (Oct. 19, 2010), http://www.nbcnews.com/id/39742685/ns/world_news-africa/#.VHFHB2TF9rl.

²³⁰ *Uganda Country of Origin Report*, *supra* note 97, at 42–43 (2014).

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| <p>November 15, 2010</p> | <p><i>Rolling Stone</i> accused homosexuals of plotting the July 2010 terror attacks in Kampala.²³²</p>  <p>233</p> |
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| <p>December 30, 2010</p> | <p>Granting an injunction against <i>Rolling Stone</i> to prevent further publication of LGBTI Ugandans' names, photos, and addresses, the Ugandan High Court ruled that publishing such information violates the right to privacy.²³⁴</p> |
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| <p>April 5, 2011</p> | <p>Martin Ssempe led a group of religious leaders and purportedly “former homosexuals” into the Ugandan Parliament to demand a debate on the anti-homosexuality bill, presenting a portion of what he said were two million signatures gathered from around Uganda in support of the law.²³⁵</p> |
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²³¹ Jim Burroway, *Ugandan Tabloid Resumes Anti-Gay Vigilante Campaign*, Box Turtle Bulletin (Nov. 1, 2010), <http://www.boxturtlebulletin.com/2010/11/01/27639>.

²³² Rice, *supra* note 227.

²³³ Throckmorton, *supra* note 233.

²³⁴ Kasha Jaqueline v. Rolling Stone Ltd., No. 163, High Court of Uganda (Dec. 30, 2010), <http://iglhrc.org/sites/default/files/2010%20Kasha%20Jacqueline%20v%20Rolling%20Stone.pdf> (last visited Oct. 2, 2015).

²³⁵ Michael Onyiego, *Religious Groups Demand Debate on Uganda Anti-Homosexuality Bill*, Voice of America, (Apr. 5, 2011), <http://www.voanews.com/content/religious-groups-demand-debate-on-uganda-anti-homosexuality-bill-119334459/157836.html>. Shortly after the march on Parliament, one of the people Ssempe claimed to be a “former homosexual” recanted to the New York Times and claimed Ssempe had offered him money to “switch

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| May 11, 2011 | Members of Parliament attempt to push the Anti-Homosexuality Bill up on Parliament's agenda before the expiration of the Eighth Session. ²³⁶ |
| September 6, 2011 | Stephen Langa's Family Life Network held a press conference to launch the "Pass the Bill Now" campaign to pressure MP's to enact the legislation by sounding "a serious warning that we will recall any MP who betrays our children, our people and our nation." ²³⁷ |
| October 25, 2011 | Parliament voted to reopen debate on the Anti-Homosexuality Bill. ²³⁸ |
| February 7, 2012 | David Bahati moved that the Anti-Homosexuality Bill be "read" for the first time and it was committed to the relevant committee for review. ²³⁹ |
| February 14, 2012 | Minister of Ethics and Integrity Simon Lokodo ordered police to raid and shut down a workshop hosted by Freedom and Roam Uganda (FARUG) on human rights advocacy and leadership for LGBTI activists. ²⁴⁰ Lokodo justified the raid by claiming the attendees were "recruiting people" and that "[y]ou cannot allow terrorists to organise and destroy your country." ²⁴¹ |
| June 10, 2012 | Religious leaders in the Uganda Joint Christian Council asked Parliament to "speed up" the passage and enactment of the Anti-Homosexuality Bill to prevent an "attack on the Bible and the institution of marriage." ²⁴² |
| June 18, 2012 | Minister of Ethics and Integrity Simon Lokodo ordered the raid of a meeting of LGBTI and human rights groups in Uganda and informed media that he would make sure "all is done to bring them to book" so that "everybody else will know that at least in Uganda we have no room here for homosexuals and lesbians." ²⁴³ |
| June 20, 2012 | Lokodo announced government's intention to ban 38 non-governmental organizations (NGOs) because they "exist not for humanitarian reasons but to destroy the traditions and culture of this country by promoting homosexuality." ²⁴⁴ |
| September 2012 | The police arrested and the government eventually deported British theater producer David Cecil for promoting homosexuality by staging a play, "The River and the Mountain," with a gay Ugandan protagonist who "came out" and was later murdered. ²⁴⁵ |

sides." Josh Kron, *Pulling Out All the Stops to Push an Anti-Gay Bill*, N.Y. Times (Apr. 13, 2011),

<http://www.nytimes.com/2011/04/14/world/africa/14uganda.html?pagewanted=2& r=2>.

²³⁶ Proceedings of Parliament of Uganda (May 11, 2011), available at

<http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard> (last visited Oct. 27, 2015).

²³⁷ Parents Launch Bid to Pass Shelved Gays Bill, Daily Monitor (Sept. 5, 2011),

<http://www.monitor.co.ug/News/National/-/688334/1230484/-/bjcqmz/-/>.

²³⁸ Proceedings of Parliament of Uganda (Oct. 25, 2011), available at

<http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard> (last visited Oct. 27, 2015).

²³⁹ Proceedings of Parliament of Uganda (Feb. 7, 2012), available at

<http://www.parliament.go.ug/new/index.php/documents-and-reports/daily-hansard> (last accessed Oct. 27, 2015).

²⁴⁰ *Uganda: Government Raid on LGBT-Rights Workshop*, Amnesty International (Feb. 14, 2012),

<https://www.amnesty.org/en/latest/news/2012/02/uganda-government-raid-lgbt-rights-workshop/>.

²⁴¹ *Ugandan Minister Shuts Down Gay Rights Conference*, The Guardian (Feb. 15, 2012),

<http://www.theguardian.com/world/2012/feb/15/ugandan-minister-gay-rights-conference>.

²⁴² John Tugume, *Bishops Want Shelved Anti-Gay Bill Dusted*, Daily Monitor (June 10, 2012),

<http://www.monitor.co.ug/News/National/Bishops+want+shelved+anti+gay+Bill+dusted/-/688334/1424158/-/lec25uz/-/index.html>.

²⁴³ NTVUganda, *Gay Activists to Be Charged After Investigations* (2012),

https://www.youtube.com/watch?feature=player_embedded&v=JIZpU04i7eM.

²⁴⁴ *Uganda Bans 38 Organizations Accused of Promoting Homosexuality*, The Guardian (June 20, 2012),

<http://www.theguardian.com/world/2012/jun/20/uganda-bans-organisations-promoting-homosexuality>.

²⁴⁵ Maev Kennedy, *Stars Sign Petition Over British Theatre Producer's Uganda Arrest*, The Guardian (Sept. 20,

2012), <http://www.theguardian.com/world/2012/sep/20/petition-british-theatre-producer-uganda>; Okuyo Joel Atiku

Prynne, *I Play a Gay Man in Uganda Where Homosexuality Is Illegal*, The Observers, (Sept. 11, 2012),

<http://observers.france24.com/en/20120910-play-gay-character-uganda-homosexuality-illegal-theatre-actor-river-mountain-kampala-media-council-law>; Mark Brown, *Theatre Producer Deported by Uganda for Play Vows Fight to*

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| October 3, 2012 | Martin Ssempe and co-defendants were found guilty of conspiracy to injure the reputation of a rival pastor by accusing him of having “sodomized several youths at his church.” ²⁴⁶ |
| October 31, 2012 | Speaker of Parliament Rebecca Kadaga informed a crowd that gathered to greet her at the airport that she would instruct the parliamentary committee to “quickly bring the report on the Anti-Homosexuality Bill” back to the floor for a vote. ²⁴⁷ |
| November 13, 2012 | Speaker of Parliament Rebecca Kadaga reiterated her instruction to speed along the review of the Anti-Homosexuality Bill because “there is high demand by the population to address the escalating problem of promoting and recruiting minors into homosexuality.” ²⁴⁸ Kadaga was quoted as saying, “Ugandans want that law as a Christmas gift. They have asked for it and we’ll give them that gift.” ²⁴⁹ |
| December 18, 2012 | State-owned <i>NBS Morning Breeze</i> talk show featured an interview of Pepe Onziema, a human rights activist and trans man, with surprise guest Martin Ssempe. ²⁵⁰ This interview included inflammatory quotes about child sexual abuse and recruitment and crude, graphic descriptions of transitioning. |
| April 2, 2013 | A Ugandan newspaper reported that some Members of Parliament wanted to discuss the Anti-Homosexuality Bill in a closed-door session because of the “sensitive nature of the bill.” ²⁵¹ |
| October 19, 2013 | A gay British man and his Ugandan partner were arrested after a Ugandan newspaper published sexual photos of them after the British citizen’s laptop was stolen. The British citizen was eventually deported instead of prosecuted. The most recent information on the Ugandan man is that he is still facing charges of “gross indecency.” ²⁵² |
| November 5, 2013 | Sam Ganafa, a prominent LGBTI activist and executive director of Spectrum Initiatives Uganda, an NGO for LGBTI people, was arrested and held for three days before being charged with sodomy. Upon his arrest, police searched his house and arrested three men staying there. Police never produced a warrant for the arrest or the search and he was paraded by police before the media and subjected to an HIV/AIDS test without his consent. ²⁵³ |

Return, The Guardian (Feb. 15, 2013), <http://www.theguardian.com/world/2013/feb/15/threatre-producer-deported-uganda-fight-return>.

²⁴⁶ Betty Ndagire, *Six Pastor Kayanja Sodomy Accusers Convicted*, Daily Monitor (Oct. 3, 2012), <http://www.monitor.co.ug/News/National/Six++Pastor+Kayanja+accusers+convicted+/-/688334/1523898/-/1ny4js/-/index.html>.

²⁴⁷ NTVUganda, *Kadaga: Uganda Can Survive Without Donations* (2012), <https://youtu.be/XULpsYqvyy4> (last visited Oct. 27, 2015).

²⁴⁸ Sheila Naturinda, *Kadaga Wants Anti-Gay Bill Tabled*, Daily Monitor (Nov. 16, 2012), <http://www.monitor.co.ug/News/National/Kadaga-wants-anti-gay-Bill-tabled/-/688334/1621218/-/j0h230z/-/index.html>.

²⁴⁹ *Uganda to pass anti-gay law as 'Christmas gift'*, BBC NEWS, Nov. 13, 2012, <http://www.bbc.com/news/world-africa-20318436>.

²⁵⁰ NBS Television Station, *Morning Breeze: Homosexuality Debate* (2012), <https://www.youtube.com/watch?v=LKP-PUAI96U> (last visited Nov. 2, 2015).

²⁵¹ Sulaiman Kakaire, *Gay Bill: Why MPs Fear Open Vote*, The Observer (April 1, 2013), http://www.observer.ug/index.php?option=com_content&view=article&id=24518:gay-bill-why-mps-fear-open-vote&catid=34:news&Itemid=114.

²⁵² David Smith, *Gay Briton Facing Jail in Uganda Over Stolen Images May Be Deported*, The Guardian (Nov. 28, 2013), <http://www.theguardian.com/world/2013/nov/28/gay-briton-facing-jail-uganda-stolen-images-deported>.

²⁵³ Colin Stewart, *Police Arrest Ugandan LGBT Leader Sam Ganafa*, Erasing 76 Crimes (Nov. 12, 2013), <http://76crimes.com/2013/11/12/police-arrest-ugandan-lgbt-leader-sam-ganafa/>; Miriam Berger, *Uganda Arrests Leading LGBT Activist*, BuzzFeed (Nov. 15, 2013), <http://www.buzzfeed.com/miriamberger/ugandan-arrests-leading-lgbt-activist#.etOa9pm6G>.

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| December 20, 2013 | Parliament passed the Anti-Homosexuality Act (AHA) with life imprisonment instead of the original death penalty. ²⁵⁴ |
| December 20, 2013 | A “legislative committee” stated that there was a need to protect children from the “increasing attempts” to raise children in homosexual relationships “through adoption and foster care.” ²⁵⁵ |
| February 6, 2014 | President Museveni signed the Anti-Pornography Act, which bans sexual and pornographic displays so vaguely that opponents and the media nicknamed the law Uganda’s “mini-skirt ban.” ²⁵⁶ |
| February 24, 2014 | President Museveni signed the Anti-Homosexuality Act (AHA) into law. ²⁵⁷ As international criticism of the AHA mounts, he declares homosexuals “disgusting.” ²⁵⁸ |
| February 24, 2014 | Martin Ssempe organized a rally in the National Theater in Kampala in celebration of Museveni signing the AHA. ²⁵⁹ |
| February 25, 2014 | One day after President Museveni signed the AHA, <i>Red Pepper</i> resumed its “outing” practice by running the front-page headline “EXPOSED! Uganda’s 200 Top Homos Named” with a list of 200 supposed LGBTI people (including private citizens as well as activists on the cover). ²⁶⁰ Media “outings” continued all week. |



²⁵⁴ E.g., Faith Karimi, *Uganda Parliament Passes Anti-Gay Bill That Includes Life in Prison*, CNN (Dec. 23, 2013), <http://www.cnn.com/2013/12/21/world/africa/uganda-anti-gay-bill/>.

²⁵⁵ Alan Cowell, *Ugandan Lawmakers Pass Measure Imposing Harsh Penalties on Gays*, N.Y. Times (Dec. 20, 2013), <http://www.nytimes.com/2013/12/21/world/africa/ugandan-parliament-approves-antigay-law.html>.

²⁵⁶ Anti-Pornography Act, Uganda (2014), <http://www.ulii.org/files/Anti%20Pornography%20Act%20of%202014.pdf>; *Confusion over Uganda's 'miniskirt ban' leads to public attacks on women*, THE GUARDIAN, Feb. 28., 2014, <http://www.theguardian.com/fashion/fashion-blog/2014/feb/28/uganda-miniskirt-ban-attacks-women>.

²⁵⁷ Karimi, *supra* note 254.

²⁵⁸ E.g., Landau et al., *supra* note 150.

²⁵⁹ Risdel Kasasira, *Joy, Anger as Museveni Signs Law Against Gays*, The Daily Monitor (Feb. 25, 2014), <http://www.monitor.co.ug/News/National/Joy--anger-as-Museveni-signs-law-against-gays/-/688334/2220400/-/ep9v42z/-/index.html>.

²⁶⁰ Saad Abedine & Elizabeth Landau, *Ugandan Tabloid Prints List of 'Homosexuals,'* CNN (Feb. 25, 2014), <http://www.cnn.com/2014/02/25/world/africa/uganda-anti-gay-law/>.

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| <p>March 1, 2014</p> | <p><i>Red Pepper</i> published “Homo Cabinet List Leaks” featuring LGBT activists</p>  <p>261</p> |
| <p>March 2, 2014</p> |  <p>262</p> |
| <p>March 14, 2014</p> | <p>The Ugandan government sent a letter to the Refugee Law Project (RLP) suspending its services in refugee settlements on the grounds that the Project was “promoting homosexuality under the guise of human rights promotion and protection. The Project played a key role Civil Society Coalition for Human Rights and Constitutional Law, a coalition of diverse non-governmental organizations formed to oppose the Anti-Homosexuality Bill.”²⁶³</p> |
| <p>March 31, 2014</p> | <p>Following the passage of the AHA, the Inter-Religious Council of Uganda organized a gathering of approximately 30,000 people to praise the President for passing the Act.²⁶⁴ The President and MP David Bahati were present.²⁶⁵</p> |
| <p>April 3, 2014</p> | <p>Ugandan police raided the Makerere University Walter Reed Project, resulting in the arrest of one of the clinic’s employees, for conducting “unethical research” and “recruiting homosexuals.”²⁶⁶ While the clinic reopened after a brief suspension, it now offers scaled back services for the MSM (men who have sex with men)</p> |

²⁶¹ Jim Burroway, *Ugandan Tabloids Continue Outing Campaigns*, Box Turtle Bulletin (Mar. 1, 2014), <http://www.boxturtlebulletin.com/2014/03/01/62964>.

²⁶² *Id.*

²⁶³ Lauren Markham, *Uganda’s Anti-Gay Witch Hunt Has Officially Begun*, Vice (June 27, 2014), <http://www.vice.com/read/ugandas-anti-gay-witch-hunt-has-officially-begun-627>.

²⁶⁴ Rebecca Hodes, *Uganda Throws a Party to Celebrate Passing of Anti-Gay Law*, The Guardian (Apr. 2, 2014), <http://www.theguardian.com/world/2014/apr/02/uganda-celebrates-anti-gay-law>.

²⁶⁵ *Rule by law*, *supra* note 89, at 25–26; NTV Uganda, *Anti-Gay Prayers; Museveni: “Ugandan Doesn’t Need Donor Aid”* (2014) <https://www.youtube.com/watch?v=kHR8vBnstlA> (last visited Nov. 2, 2015).

²⁶⁶ Press Statement, Marie Harf, Deputy Department Spokesperson, U.S. Department of State, *Raid on Makerere University Walter Reed Project by Ugandan Authorities*, <http://www.state.gov/r/pa/prs/ps/2014/04/224431.htm> (last visited Oct. 27, 2015).

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| | population. A local media outlet described the incident as a raid of a “homosexual training camp in Kampala.” ²⁶⁷ |
| May 20, 2014 | The Ugandan government sent a second letter to the Refugee Law Project suspending its direct services in the Capital in addition to the previous suspension of its services in the refugee settlements. ²⁶⁸ |
| June 24, 2014 | The Ugandan High Court decided a lawsuit brought by Kasha Jacqueline Nabagesera, Pepe Julian Onziema, Frank Mugisha, and Geoffrey Ogwaro against Minister of Ethics Simon Lokodo and the Attorney General for a 2012 raid on a workshop hosted by Nabagesera’s organization, FARUG, on LGBTI rights. The Court found the raid and the shutting down of the workshop constitutional because the subject matter of the workshop constituted promotion of homosexuality, which is illegal. ²⁶⁹ |
| August 1, 2014 | The Ugandan Constitutional Court nullified the AHA in August 2014 because of a procedural issue: a quorum of members was not present at the time of the vote. ²⁷⁰ |
| October 29, 2014 | Members of Parliament reportedly drafted new legislation, The Prohibition of Unnatural Sexual Practices Bill, criminalizing homosexual “incitement,” promotion and acts, and described it as a “streamlined version of the nullified Anti-Homosexuality Act.” ²⁷¹ |
| November 20, 2014 | The Parliamentary opposition chief whip, Cecilia Ogwal, expressed the opposition’s support for anti-gay legislation, and particularly the new bill that was focused on prohibiting the “promotion” of homosexuality, based on the belief that homosexuals target “children and vulnerable people.” ²⁷² |
| December 2, 2014 | MP Rebecca Kadaga, Speaker of Parliament stated: “[b]e very careful because gays are here to distort our heritage. We have discovered that they adopt our children and confine them in gay communities abroad to train them on gay practices. By the time they come back home, they are already influenced homosexuality and are used to influence others in the community.” ²⁷³ |
| February 2015 | Sexual Minorities Uganda (“SMUG”) filed to incorporate as a company. Its representation, attorneys at the Human Rights Awareness and Promotion Forum (“HRAPF”), reported that the Uganda Registration Services Bureau rejected the name as “undesirable” and on the grounds that SMUG would be “involved in criminal activities” since “[s]ame sex sexual conduct is criminalized in the Penal Code Act.” ²⁷⁴ |
| October 23, 2015 | Human Rights Awareness and Promotional Forum calls attention to spate of violent attacks on five LGBTI activists over the course of six days. ²⁷⁵ |

²⁶⁷ *Police Bust Homosexual Training Camp in Kampala*, Galaxy 100.2 FM (April 8, 2014), <http://www.galaxyfm.co.ug/2014/04/08/police-bust-homosexual-training-camp-kampala>.

²⁶⁸ Markham, *supra* note 263.

²⁶⁹ Nabagesera and 3 Ors.v. Attorney General & Anor (2014) UGHCCD 85 (Uganda), *available at* <http://www.ulii.org/ug/judgment/high-court/2014/85>.

²⁷⁰ *Oloka-Onyango v. Attorney General*, No. 08, Constitutional Court of Uganda (Aug. 1, 2014), <http://www.ulii.org/ug/judgment/constitutional-court/2014/14>.

²⁷¹ Chapter Four, *supra* note 93, at 2; *Uganda Planning New Anti-Gay Law Despite Opposition*, BBC News (Nov. 10, 2014), <http://www.bbc.com/news/world-africa-29994678>.

²⁷² *New Anti-Gay Bill Drawn Up in Uganda*, AL JAZEERA (Nov. 20, 2014), <http://www.aljazeera.com/news/africa/2014/11/new-anti-gay-bill-drawn-up-uganda-20141120123219934655.html>.

²⁷³ Paul Gonza, *Gay Groups Targeting Church Leaders, Schools – Kadaga*, Daily Monitor (Dec. 2, 2014), <http://www.monitor.co.ug/News/National/Gay-groups-targeting-church-leaders--schools---Kadaga/-/688334/2541220/-/10169wgz/-/index.html>.

²⁷⁴ Newsletter Issue No. 6, Human Rights Awareness and Promotion Forum at 5 (Jan. – Mar. 2015) http://www.hrapf.org/sites/default/files/publications/15_07_01_final_hrapf_newsletter_6th_issue_h.pdf.

²⁷⁵ *Outbreak of anti-LGBTI attacks in Uganda*, Erasing 76 Crimes (Oct. 23, 2015), <http://76crimes.com/2015/10/23/outbreak-of-anti-lgbti-attacks-in-uganda/>.

C. Triggering Factors (Risk Factor 8)

Atrocity crimes unfold or escalate in dynamic processes, which are not the same in all situations. Along with structural factors, which can make an environment more or less conducive to the perpetration of atrocity crimes, there are dynamic elements that can catapult a society into mass or heightened atrocity. Among these dynamic elements is what is known as “triggering factors.”²⁷⁶ Of the twelve indicators under this risk factor, six are present²⁷⁷ and three are likely to become present²⁷⁸ in Uganda. (See Table 8.)

The triggering conditions most likely to assail Uganda in the months and years ahead are considered by experts to fall into one of three categories: sudden disruptions in politics with abrupt and contested regime change; existential threats to the state through eruption of civil war or invasion; or rapid and marked distortions in elite access to wealth (such as oil and oil lands). In one or all of these contexts, which would inflame the traditional divisions within the country, the government might easily resort to a violently distracting campaign against the one group that has no ties to ethnicity, land, or tribe. Grossly stereotyped as evil and repugnant, as grave threats to intensely held religious norms, the LGBTI community can become the target against which all the devout can rally. LGBTI people, who now persist in a state of continual jeopardy, could in easily foreseen scenarios confront mobilized and mob group forces that seek their ouster and death.

Table 8: Indicators for Risk Factor 8

| Risk Factor 8: Triggering Factors | |
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| 8.1 | Sudden deployment of security forces or commencement of armed hostilities. |
| 8.2 | Spillover of armed conflicts or serious tensions in neighboring countries. |
| 8.3 | Measures taken by the international community perceived as threatening to a States’ sovereignty. |
| 8.4 | Abrupt or irregular regime changes, transfers of power, or changes in political power of groups. |
| 8.5 | Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups. Other serious acts of violence, such as terrorist attacks. |
| 8.6 | Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders. |
| 8.7 | Acts of incitement or hate propaganda targeting particular groups or individuals. |
| 8.8 | Census, elections, pivotal activities related to those processes, or measures that destabilize them. |
| 8.9 | Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics. |
| 8.10 | Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations. |
| 8.11 | Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities. |
| 8.12 | Acts related to accountability processes, particularly when perceived as unfair. |

In the fog of conflict and chaos, the LGBTI community—a population already suffering significant discrimination and serious human rights abuses—would be at a significantly higher risk of further atrocity crimes in Uganda. Given the state’s systematic targeting and criminalization of LGBTI people, the Ugandan government would likely be unable and

²⁷⁶ UN Framework of Analysis, *supra* note 1, at 17. Societies that do not adequately address discrimination or exclusion of protected groups can be more prone to atrocity crimes. See also *id.*, at 11.

²⁷⁷ *Id.*, specifically, indicators 8.2, 8.3, 8.5, 8.6, 8.7, and 8.10.

²⁷⁸ See indicators 8.4, 8.8, and 8.9. *Id.*

unwilling to protect LGBTI from victimization at the hands of other public or private actors in the country. Further, LGBTI individuals who are often excommunicated from ethnic groups and tribes, ostracized from religious communities, and disowned by families, would be left extremely vulnerable and without protection from these important social networks on which most Ugandans rely for safety and security.²⁷⁹

Several current and potential triggering factors exist in the Ugandan context including (1) acts of incitement and hate propaganda, (2) the upcoming 2016 presidential election, (3) regional armed conflicts and neighboring country tensions, (4) recent oil discoveries, and (5) strong international reactions perceived as threatening Ugandan sovereignty—that may seriously exacerbate existing stigmatization and spark an increase in violence and other forms of persecution against LGBTI Ugandans.

1. Acts of Incitement and Hate Propaganda Targeting LGBTI Individuals (Indicators 8.6 & 8.7)

As explained in detail in Section V.B., politicians, government officials, religious leaders, and the media have and continue to produce anti-LGBTI hate propaganda and religious intolerance, inciting widespread discrimination and violence and scapegoating “homosexuals.”²⁸⁰

2. Elections, Potential Regime Change, or other Crises (Indicators 8.4, 8.5, 8.8 & 8.9)

The upcoming 2016 presidential elections may spark ethnic and tribal divisions, unrest, and violence, which would leave LGBTI Ugandans unprotected and even more vulnerable to targeted violence and atrocity crimes. Ethnicity largely defines political affiliation and participation in Uganda.²⁸¹ With ethno-politics comes politicians’ increased manipulation of ethnic diversity and a system based on patronage and repression.²⁸² Uganda’s weak state institutions reinforce these affiliations and divisions, and increase the stakes in presidential elections for political control and resulting security for winning groups.

The presidential election may trigger abrupt or irregular regime change, power transfer, or change in the political power of political groups closely tied to ethnicity.²⁸³ Such destabilizing events greatly increase the risk of ethnic violence, and unprotected LGBTI Ugandans will be

²⁷⁹ See Danish Refugee Council, *supra* note 101, at 56.

²⁸⁰ See, e.g., Landau et. al., *supra* note 150; *Homos Targeting Kindergartens, Says Bahati*, Red Pepper (Nov. 5, 2015), <http://www.redpepper.co.ug/homos-targeting-kindergartens-says-bahati/>; Philippa Croome, *Uganda's Gays Fear Mounting Violence in Wake of Anti-Gay Bill's Passage*, CNN (Dec. 23, 2013, 7:45 PM), <http://www.cnn.com/2013/12/23/world/africa/uganda-anti-gay-bill/> (quoting Simon Lokodo, Uganda’s Minister for Ethics and Integrity) (“What we are convinced and sure of is that nobody can in one’s right conscience and consciousness choose to be homosexual.... This must be under pressure or conditions because we know that the natural tendency is always for a male to go for a female and vice-versa.”).

²⁸¹ Susan Dicklitch, *Uganda: A Microcosm of Crisis and Hope in Sub-Saharan Africa*, 51 INT’L J., Africa’s Prospects 103, 105 (Winter, 1995/1996). For more on the impact of colonialism and the historical causes of ethnicity, regionalism, and religious division, see Phares Mutibwa, *Uganda Since Independence: A Story of Unfulfilled Hopes* (1992).

²⁸² See Dicklitch, *supra* note 281, 105–06 (citing Nelson Kasfir, *The Shrinking Political Arena: Participation and Ethnicity in African Politics with a Case Study of Uganda* 113 (1976)).

²⁸³ See Indicators 8.4 and 8.8. UN Framework of Analysis, *supra* note 1, at 17 (Risk Factor 8).

either: (1) easy, obvious, and safe targets for distracting the masses to prevent ethnic violence; or (2) caught in the middle of ethnic violence and civil war.

3. Spillover of Armed Conflicts and Serious Tensions in Neighboring Countries (Indicator 8.2)

Regional armed conflicts and tensions in neighboring countries have been spilling over into Uganda, which increases socio-economic tensions and violence, and instability, which increases the vulnerability of already targeted groups.²⁸⁴ The African Great Lakes Region is generally marked by deep instability, protracted conflict, and growing humanitarian crises.²⁸⁵ For example, the civil war in South Sudan has destabilized the region²⁸⁶ with an estimated 1.8 million South Sudanese displaced from their homes, and 453,600 refugees who have “fled to neighboring countries.”²⁸⁷ Such mass displacement exacerbates the region’s instability, and the ever-increasing influx of refugees into Uganda causes additional stress to its already overwhelmed economy.²⁸⁸

The Karimojong region of Uganda shares a border with Kenya and has been plagued by inter- and intra-ethnic violence, which is exacerbated by the proliferation of small arms and light weapons.²⁸⁹ In addition, the practice of ‘cattle rustling’ and increasing competition over water and grazing land has contributed to inter- and intra-ethnic violence.²⁹⁰

The Democratic Republic of Congo (DRC) is still embroiled in a protracted, brutal civil war that has crippled the country, “pitt[ing] government forces, supported by Angola, Namibia, and Zimbabwe, against rebels backed by Uganda and Rwanda.”²⁹¹ Uganda arms and actively supports rebel groups because of strategic guerilla alliances, each country’s interest in controlling

²⁸⁴ See Indicator 8.2. *Id.*

²⁸⁵ Uganda borders South Sudan, Kenya, the Democratic Republic of the Congo (DRC), Rwanda, and Tanzania. CIA Factbook, *supra* note 14. According to the Fund for Peace’s Fragile States Index for 2014, South Sudan is the most fragile state, out of 178 countries, with the DRC trailing behind in fourth place. Kenya and Rwanda fall into the “Alert” category with Uganda. In comparison, Tanzania fares relatively well as the 65th most fragile state. The Fund for Peace, *The Fragile States Index* (formerly The Failed States Index) (2014), <http://fsi.fundforpeace.org/rankings-2014>.

²⁸⁶ In late 2013, violence erupted in Juba between supporters of President Salva Kiir and former Vice President Riek Machar. Conflicts in South Sudan, Enough: The Project to End Genocide and Crimes Against Humanity, <http://www.enoughproject.org/conflicts/sudans/conflicts-south-sudan> (updated Oct. 1, 2014).

²⁸⁷ *Id.*

²⁸⁸ See Indicators 8.2 and 8.9. UN Framework of Analysis, *supra* note 1, at 17 (Risk Factor 8).

²⁸⁹ KEES KINGMA ET AL., SECURITY PROVISION AND SMALL ARMS IN KARAMOJA: A SURVEY OF PERCEPTIONS, SMALL ARMS SURVEY 28–30, 66–69 (Sept. 2012), <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR17-Karamoja.pdf>; JAMES BEVAN, CRISIS IN KARAMOJA: ARMED VIOLENCE AND THE FAILURE OF DISARMAMENT IN UGANDA’S MOST DEPRIVED REGION, SMALL ARMS SURVEY 16 (June 2008), <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP21-Karamoja.pdf>.

²⁹⁰ Kees Kingma et al., *Security Provision and Small Arms in Karamoja: A Survey of Perceptions*, 19 (Sept. 2012), <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR17-Karamoja.pdf>.

²⁹¹ *Africa: Democratic Republic of Congo County Profile – Overview*, BBC NEWS (Aug. 4, 2015), <http://www.bbc.com/news/world-africa-13283212>.

the DRC's mineral wealth, and an apparent desire by Ugandan leadership to maintain power and influence in the region.²⁹²

4. Discovery of Natural Resources (Indicator 8.10)

Recent oil discoveries may destabilize the region, trigger intra-ethnic violence, and increase the risk of further scapegoating and violence against LGBTI Ugandans. Oil has been found in the Lake Albertine Graben region, which borders and includes lands within the DRC.²⁹³ This area has an enormous amount of biodiversity as well as instability and conflict.²⁹⁴

Oil extraction and export requires extensive state structures²⁹⁵ and “significantly increases the likelihood of secessionist wars.”²⁹⁶ Serious and growing tensions already exist between the Bunyoro Kingdom, a region demanding redress for crimes committed against its citizens, and the federal government.²⁹⁷

In addition, oil discovery contributes to political instability by forcibly displacing populations. Ugandans have begun to migrate to these oil rich regions intending to profit from the oil extraction process. As “almost all land in Bunyoro sub-region and parts of the north is owned communally,” land grabbing by other Ugandans, but also by oil companies, is rampant.²⁹⁸ In 2014, for instance, over 700 residents were “evicted and brutalized after a land dispute.”²⁹⁹ Consistent forced displacement, combined with land grabbing, may eventually lead to social unrest, insurgencies, or a secessionist war.³⁰⁰

²⁹² See Isabella Bauer, *Uganda's Hidden Role in Congo's Conflict*, DW (April 1, 2013), <http://dw.com/p/17CxG>; U.N. Group of Experts on the Democratic Republic of the Congo, Rep. transmitted by letter dated Nov. 12, 2012 from the Chair of the Security Council Comm. established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, U.N. Doc S/2012/843 (Nov. 15, 2012), http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/843; Aaron Hall & Akshaya Kumar, *Coordinated International Leverage: The Missing Element from Congo's Peace Process*, Enough (Feb. 2013), http://www.enoughproject.org/files/Coordinated_International_Leverage.pdf.

²⁹³ Jacob Kathman & Megan Shannon, *Oil Extraction and the Potential for Domestic Instability in Uganda*, 12 Afr. Stud. Q. 23, 24 (Summer 2011).

²⁹⁴ *Id.* Within Uganda's borders, the oil is located in the Hoima and Buliisa districts of “the Bunyoro sub-region, including Lake Albert.” *Uganda: No Resolution to Growing Tensions*, International Crisis Group, Africa Report No. 187 2 (Apr. 5, 2012), [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/uganda/187-uganda-no-resolution-to-growing-tensions.pdf](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/uganda/187-uganda-no-resolution-to-growing-tensions.pdf) [hereinafter *Uganda: No Resolution*].

²⁹⁵ Kathman & Shannon, *supra* note 293, at 28.

²⁹⁶ Julius Kiiza et al., *Economic Policy Research Centre, Righting Resource-Curse Wrongs in Uganda: The Case of Oil Discovery and the Management of Popular Expectations* 10 (July 2011), <http://ageconsearch.umn.edu/bitstream/150481/2/series78.pdf>.

²⁹⁷ *Uganda: No Resolution*, *supra* note 294, at 19.

²⁹⁸ *Id.* at 22.

²⁹⁹ Lizabeth Paulat, *Land Eviction Breeds Violence in Oil-Rich Hoima, Uganda*, Voice of America (Sept. 24, 2014, 1:04 PM), <http://www.voanews.com/content/land-eviction-breeds-violence-in-oil-rich-hoima-uganda/2460974.html>.

³⁰⁰ See Brian Dabbs, *Secessionist Winds Blow on Kenya's Coast*, Al Jazeera (Aug. 30, 2012, 1:03 PM), <http://www.aljazeera.com/indepth/features/2012/08/2012826121411849944.html>.

5. International Community Measures Perceived as Threats to State Sovereignty
(Indicator 8.3)

Strong responses and actions of the international community in response to the discrimination and criminalization of LGBTI Ugandans have been perceived as threatening to Ugandan sovereignty.³⁰¹ The international community has publicly condemned the Ugandan government for signing the Anti-Homosexuality Act (AHA) into law.³⁰² The governments of the Netherlands, Norway and Denmark suspended foreign aid to Uganda while the World Bank delayed a \$90 million loan.³⁰³ Despite the fact that half of Uganda's national budget is dependent upon foreign aid, Museveni fired back by stating he was reaffirming Uganda's sovereignty by signing the law.³⁰⁴

V. CONCLUSION

Risk factor intensity and number have been found to explain, and even predict, outbreaks and instances of atrocity crimes. Efforts to use this Framework and analysis to intervene early along the escalation pathway are now underway in many countries and locales. An observed escalation pathway, in real time terms and in terms of retrospective analysis, can be discerned if events are viewed through an atrocity lens.

In Uganda, the current state for LGBTI people is relentless stigma, intimidation and persecution, which in itself fits the definition of crimes against humanity. The concern is that incitement, internal and external, will fan the coals for even more extreme violence. All risk factors in number and intensity point to high levels of instability along many axes. Additionally, high levels of religious fundamentalism in Ugandan society as well as intense stigmatization against LGBTI individuals as threatening religious and societal norms, values and morals are particularly important factors leading to atrocity crimes and future risk of atrocities.

These existing factors, combined with triggering events, such as conflict and/or contested elections ahead, could unleash severe violence. As has been happening with past and current economic crises in Uganda, the government could continue to scapegoat LGBTI people as threats to national morals and cohesion. In a situation of rising political tension, which is inevitably approaching with the coming elections, vulnerable groups, like the LGBTI population, are at even more heightened risk of escalating violence and atrocity crimes.

³⁰¹ See Indicator 8.3. UN Framework of Analysis, *supra* note 1, at 17 (Risk Factor 8).

³⁰² *Uganda's President Signs Anti-Gay Bill*, AL JAZEERA AMERICA & THE ASSOCIATED PRESS (Feb. 24, 2014, 2:45 AM), <http://america.aljazeera.com/articles/2014/2/24/uganda-s-presidentsignsantigaybill.html>.

³⁰³ *Uganda Hit with Foreign Aid Cuts Over Anti-Gay Law*, Al Jazeera America and the Associated Press (February 27, 2014, 9:45AM), <http://america.aljazeera.com/articles/2014/2/27/uganda-hit-with-foreignaidcutsoverantigaylaw.html>.

³⁰⁴ Richard Manambwa, *Museveni: I signed Anti-Gay Law to Affirm Ugandan Sovereignty*, AFRICA REVIEW (April 1, 2014, 9:43), <http://www.africareview.com/News/-/979180/2265134/-/8hw20z/-/index.html>.

Thus, based on available and reliable evidence related to the Risk Factors and Indicators of the U.N. Framework of Analysis for Atrocity Crimes, state and private actors have committed atrocities, including persecution and other crimes against humanity, against LGBTI Ugandans, and the risk for further escalation and atrocity crimes against LGBTI individuals is high.



Dr. Jennifer Leaning

Date: November 2, 2015

Exhibit A

Curriculum Vitae

Date: June 2015

NAME: Jennifer Leaning, MD, SMH

ADDRESS: RFD 4, 113 Tower Road
Lincoln, MA 01773

DATE & PLACE OF BIRTH: April 4, 1945; San Francisco, California

EDUCATION

| | | | |
|------|--|------|---|
| 1968 | Modern European History and Literature | A.B. | Radcliffe College |
| 1970 | Demography and Human Ecology | M.S. | Harvard School of Public Health (HSPH) |
| 1975 | Medicine | M.D. | University of Chicago Pritzker School of Medicine |

POSTDOCTORAL TRAINING:

Internships and Residencies:

| | | |
|-----------|----------|--------------------------------|
| 1975-1976 | Medicine | Massachusetts General Hospital |
| 1976-1977 | Medicine | Massachusetts General Hospital |
| 1977-1978 | Medicine | Massachusetts General Hospital |

LICENSURE AND CERTIFICATION:

| | |
|-------|--|
| 1976 | Diplomate, National Board of Medical Examiners |
| 1977- | Massachusetts License Registration |
| 1978- | Diplomate, American Board of Internal Medicine |
| 1984- | Diplomate, American Board of Emergency Medicine (recertified 1994, 2004) |

ACADEMIC APPOINTMENTS:

| | |
|-------------|--|
| 12/10- | Affiliated Professor, Harvard Law School, Cambridge, MA |
| 01/10- | FXB Professor of the Practice of Health and Human Rights, Department of Global Health and Population, HSPH, Boston, MA |
| 12/09 | Visiting Professor, University of Wisconsin, Madison, WI |
| 07/09-06/10 | Professor of the Practice of Global Health, Department of Global Health and Population, HSPH, Boston, MA |
| 07/05- | Associate Professor, Department of Medicine, Harvard Medical School (HMS), Boston, MA |
| 07/05-06/09 | Professor of the Practice of International Health, Department of Population and International Health, HSPH, Boston, MA |
| 07/99-06/05 | Professor of International Health, Department of Population and International Health, HSPH, Boston, MA |
| 07/94-06/06 | Assistant Professor, Department of Medicine, HMS, Boston, MA |

HOSPITAL APPOINTMENTS:

| | | |
|-----------|-----------------------|--------------------------------|
| 1975-1978 | Assistant in Medicine | Massachusetts General Hospital |
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| | | | |
|-----------|---------------------------|--|---|
| 1975-1978 | Staff Physician | | Bunker Hill Health Center |
| 1975-1978 | Staff Physician | Ambulatory Screening Clinic | Massachusetts General Hospital |
| 1977-1978 | Emergency Physician | | Wing Memorial Hospital |
| 1977-1978 | Emergency Physician | | Lowell General Hospital, |
| 1977-1978 | Emergency Physician | | Harrington Memorial Hospital |
| 1978-1984 | Emergency Physician | | Mount Auburn Hospital |
| 1978-1984 | Attending Physician | | Mount Auburn Hospital |
| 1982-1983 | Emergency Physician | | Newton-Wellesley Hospital |
| 1982-1983 | Attending Physician | | Newton-Wellesley Hospital |
| 1982-1983 | Emergency Physician | | Carney Hospital |
| 1982-1983 | Attending Physician | | Carney Hospital |
| 1984-1986 | Attending Physician | | Harvard Community Health Plan Hospital |
| 1986-1987 | Emergency Staff Physician | Harvard Community Health Plan Emergency Service | Brigham and Women's Hospital |
| 1986-1994 | Associate Physician | | Brigham and Women's Hospital |
| 1986-1994 | Attending Physician | | Brigham and Women's Hospital |
| 1994-2008 | Physician | | Brigham and Women's Hospital |
| 2008- | Visiting Physician | Brigham and Women's Hospital | Brigham and Women's Hospital |

OTHER ACADEMIC POSITIONS AND MAJOR VISITING APPOINTMENTS:

| | | | |
|-------------|---------------------------|-------------------------------------|---|
| 07/05-06/08 | Senior Advisor | International and Policy Studies | Radcliffe Institute for Advanced Study |
| 07/97-06/99 | Senior Research Fellow | Population and International Health | Harvard Center for Population and Development Studies |
| 07/91-06/99 | Instructor | Health and Social Behavior | HSPH |
| 07/86-06/94 | Instructor | Medicine | HMS |
| 07/84-06/88 | Visiting Scholar | | Radcliffe College |
| 07/83-06/84 | Scholar-in-residence | | Radcliffe College |
| 07/80-06/86 | Clinical Instructor | Medicine | HMS |

HONORS AND DISTINCTIONS

- 1968 A.B. Magna Cum Laude, Radcliffe College
- 1968 Captain Jonathan Fay Prize, Radcliffe College
- 1968 Senior Sixteen Phi Beta Kappa, Radcliffe College
- 1970 Briggs Fellowship, Radcliffe College
- 1975 M.D. with honors, University of Chicago
- 1975 Upjohn Award, University of Chicago
- 1975 Alpha Omega Alpha, University of Chicago
- 1990 Citation for Exceptional Volunteer Service, American Red Cross, Boston, MA
- 1990 Medal for Distinguished Achievement, Radcliffe Graduate Society
- 1995 Tribute to Women Award, YWCA, Cambridge, MA
- 2000 Faculty Teaching Award, HSPH
- 2004 Humanitarian Rose Award, People's Princess Charitable Foundation
- 2005 Hippocrates Humanitarian Award, Brigham and Women's Hospital
- 2005 Partners in Excellence Award, Partners HealthCare
- 2006 Recognition of 20 outstanding health professionals, Physicians for Human Rights
- 2007 Pioneer Award, New England Women's Leadership Awards
- 2009 Fellow, Kosovo Academy of Medical Sciences
- 2013 Jean Mayer Humanitarian Award, Tufts University

2015 Medical & Biological Sciences University of Chicago Alumni Association's Distinguished Service Award

MAJOR PROFESSIONAL SERVICE:

National Service

1985-1988 Co-Chair, Governor's Advisory Committee on the Impact of the Nuclear Arms Race on Massachusetts, Office of the Governor of Massachusetts
1985-1989 Member, Arms Control Advisory Committee to Senator John Kerry, Office of Senator John F
1989-1992 Member, Regional Emergency Medical Services Advisory Council (REMSAC), Metropolitan Boston Emergency Medical Services Council, Inc.
1997- Member, Inter-University Steering Committee on Forced Migration, Harvard University
1984-1985 Member, Medical Consequences of Nuclear War Steering Committee, Institute of Medicine (IOM), National Academy of Sciences (NAS)
1985-1987 Chair, Rapid Response Fund Committee, Medical Advisory Task Force, USA for Africa
1988-1991 Member, Rand HMO Consortium on Quality of Care, Rand Corporation
1988-1992 Member, Physicians Task Force on Nuclear Weapons Production Facilities, Physicians for Social Responsibility
1989-1997 Reviewer, National Committee for Quality Assurance
1989-1997 Member, The HMO Group, Harvard Pilgrim Health Care
1991-1993 Member, Pediatric Emergency Services Steering Committee, IOM, NAS
1994-1995 Member, Committee on Social Responsibility, Group Health Association of America
1995-1997 Member, Medical Advisory Board, The Soros Foundation
1996-1997 Member, Committee on Social Responsibility, American Association of Health Plans
1998-2005 Member, Roundtable on Forced Migration, NAS
2004- Member, Global Health Advisory Committee, Open Society Institute
2004- Member, Committee on Security Studies, American Academy of Arts and Sciences
2005-2007 Member, Award Committee, Heinz Foundation

International Service

1997-2004 Member, Advisory Group on Research in Emergencies, World Health Organization (WHO)
1997-2004 Chair, Subgroup on Ethics of Research on Trapped Populations, WHO
2003-2004 Member, Human Rights Focal Group, Sphere Standards Revisions
2007- Member, Genocide Prevention Advisory Network, Swiss Foreign Ministry
2008-2010 Member, Strategic Plan Advisory Committee, Amnesty International
2009- Member, International Lancet Commission on Palestinian Health, Steering Committee, Lancet
2010- Member, Strategic Advisory Committee, Medecins Sans Frontieres
2011- Member, Lancet-Oslo International Commission on Global Governance for Health, Lancet Oslo

PROFESSIONAL SOCIETIES:

1984- American College of Emergency Physicians
1981- 1984 Member
1984- Fellow

OTHER PUBLIC SERVICE:

1979-1992 Board of Directors Physicians for Social Responsibility
1979-1981 Chair, Executive Committee, Physicians for Social Responsibility
Board of Directors

| | | |
|-----------|-------------------------------|---|
| 1982 | Acting Medical Director | Physicians for Social Responsibility |
| 1983-1984 | Board of Directors, Secretary | Physicians for Social Responsibility |
| 1984 | Board of Directors, Treasurer | Physicians for Social Responsibility |
| 1983-1985 | Research Affiliate | Laboratory of Architectural Sciences and Planning, MIT |
| 1986-1988 | Research Associate | Institute for Health Research, HSPH |
| 1986-1993 | Board of Directors | International Physicians for the Prevention of Nuclear War |
| 1988-2008 | Board of Directors | American Red Cross Massachusetts Bay |
| 1988-1995 | Board of Directors | American Red Cross Massachusetts Bay, Chair, Disaster Services Committee |
| 2006-2008 | Board of Directors | American Red Cross Massachusetts Bay, Secretary |
| 2008- | Board of Directors | American Red Cross Eastern Massachusetts Division |
| 1988- | Board of Directors | Physicians for Human Rights |
| 1989-1992 | Board of Directors | Satellife |
| 1991-1996 | Member | Metro Boston Disaster Medical Assistance Team |
| 1991- | Faculty Fellow | The Peabody Society, Harvard Medical School |
| 1991- | Board of Directors | Humane Society of the United States |
| 1999- | Board of Directors | Humane Society of the United States, Vice Chair |
| 1992 | Member | The Albert Schweitzer Fellowships Committee |
| 2000-2006 | Board of Directors | Oxfam America |
| 2000- | Member | Lowell House Senior Common Room, Harvard University |
| 2001- | Faculty Associate | Weatherhead Center for International Affairs, Harvard University |
| 2002- | Faculty Associate | Carr Center for Human Rights Policy, John F. Kennedy School of Government, Harvard University |
| 2002- | Faculty Associate | Center for International Development, Harvard University |
| 2003-2008 | Board of Directors | Sabre Foundation |
| 2007-2010 | Board of Directors | Physicians for Human Rights, Treasurer |
| 2008-2010 | Board of Directors | Adaptive Eyewear, United Kingdom |
| 2009- | Faculty Associate | Hauser Center for Nonprofit Organizations, Harvard University |

DEPARTMENT AND SCHOOL SERVICE:

| | | |
|-----------|--|--|
| 1979-1981 | Infectious Disease Committee | Mount Auburn Hospital |
| 1983-1984 | Joint Conference Committee | Mount Auburn Hospital |
| 1985-1986 | Medical Executive Committee | Harvard Community Health Plan Hospital |
| 1985-1986 | Search Committee for Director of Emergency Service | Brigham and Women's Hospital |
| 1986-1987 | Patient Care Committee | Brigham and Women's Hospital and Harvard Community Health Plan |
| 1988-1989 | Search Committee for Director of Emergency Service | Brigham and Women's Hospital |
| 1989-1995 | Medical Directors Committee | Harvard Community Health Plan |
| 1990-1995 | Patient Care Assessment Committee | Harvard Community Health Plan |
| 1994-1997 | Care Improvement Council | Brigham and Women's Hospital |
| 1995-1997 | Medical Directors Group | Harvard Pilgrim Health Care |
| 1995-1997 | Patient Care Assessment Committee | Harvard Pilgrim Health Care |

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| 1997- | Community Liaison Committee | Harvard Pilgrim Health Care Foundation |
| 1998-1999 | Provost's Peer Review Committee, University Health Services After Hours Program, Chair | Harvard University |
| 1999- | University Student Health Services Coordinating Board, Chair | Harvard University |
| 2000- | Institute for International Emergency Medicine and Health | Brigham and Women's Hospital |
| 2000- | Masters Degree Committee | HSPH |
| 2000-2007 | Advisory Board, Program on Humanitarian Policy and Conflict Research, Chair | HSPH |
| 2000- | Executive Committee | University Health Services/Harvard University |
| 2001-2010 | Steering Committee | Inter-University Initiative on Humanitarian Studies and Field Practice/ HSPH, Friedman School of Nutrition Science and Policy and The Fletcher School of Law and Diplomacy at Tufts University, and MIT |
| 2001-2002 | Ad hoc promotions committee, Chair | HSPH |
| 2002-2003 | Committee to Address Sexual Assault at Harvard, Chair | Harvard University |
| 2002 | Search Committee for Professor of Qualitative Methods | HSPH |
| 2002 | Two ad hoc promotions committees | HSPH |
| 2002-05 | Scientific Core, Director | Harvard School of Public Health Center for Public Health Preparedness |
| 2003-2004 | Dean's Advisory Committee on Sexual Assault at Harvard, Chair | Harvard College |
| 2003-2009 | Fay Prize Committee | Radcliffe Institute for Advanced Study |
| 2004 | Two ad hoc promotions committees, Chair | HSPH |
| 2005 | Subcommittee on Women Faculty | HMS |
| 2005 | Search Committee for Professor of Social Medicine | HMS |
| 2005 | Search Committee for Professor of Demography | HSPH |

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|-----------|---|--|
| 2005- | Faculty Steering Committee | South Asia Initiative/Harvard University |
| 2005-2006 | Doctoral Committee for Health Sciences, Advisor | HSPH |
| 2005-2011 | Steering Committee | Harvard Initiative for Global Health/ Harvard University |
| 2005-2006 | Search Committee for Professor of Reproductive Health | HSPH |
| 2005-2006 | Search Committee for Professor of Child Health | HSPH |
| 2005-2006 | Search Committee for Professor of Social Medicine | HMS |
| 2005-2006 | Ad hoc promotions committee, Chair | HSPH |
| 2006-2007 | Search Committee for Professor of Health Economics | HSPH |
| 2007-2012 | Executive Board | Program on Humanitarian Policy and Conflict Research/HSPH |
| 2008-2010 | Masters of Public Health Steering Committee | HSPH |
| 2008-2011 | Executive Committee | Weatherhead Center for International Affairs/Harvard University |
| 2008- | Working Group on Global Women's Health, Co-Director | Harvard Initiative For Global Health /Harvard University |
| 2010- | Advisory Board, Research Advancement Initiative | Harvard Graduate School of Design |
| 2010- | Standing Committee on Global Health and Health Policy | Harvard University |
| 2010- | Steering Committee | Harvard Humanitarian Initiative, Harvard University |
| 2010- | Academic Council, Permanent Invitee | HSPH |
| 2010- | Committee on African Studies | Harvard University |
| 2010- | Global Equity Initiative Steering Committee | HSPH |
| 2010- | Faculty Steering Committee | Carr Center for Human Rights Policy/Harvard Kennedy School of Government |
| 2011- | Faculty Steering Committee | Harvard Global Health Institute/Harvard University |

| | | |
|-------|--|--|
| 2012- | Global Health and Population Competencies and Curriculum Committee | Department of Global Health and Population/ HSPH |
| 2012 | Ad hoc promotions committee, Chair | Department of Global Health and Population/ HSPH |
| 2012- | Doctorate of Public Health Transformation Committee | HSPH |
| 2015 | Committee to visit the College | Harvard University |

MAJOR ADMINISTRATIVE RESPONSIBILITIES:

| | | |
|------------------|--|---|
| 1977-1978 | Course Director and Director of Dog Laboratory, Emergency Medicine Essentials | Massachusetts General Hospital (medicine) |
| 1977-1978 | Co-Coordinator, Management of Medical and Surgical Emergencies | Massachusetts General Hospital (medicine) |
| 1984-1992 | Chief of Emergency Services | Harvard Community Health Plan |
| 1988-1989 | Special Assistant to the Medical Director | Harvard Community Health Plan |
| 1989-1992 | Director, Medical Program Evaluation | Harvard Community Health Plan |
| 1992-1997 | Medical Director, Health Centers Division/Harvard Vanguard Medical Associates | Harvard Community Health Plan/Harvard Pilgrim |
| 1994 | Co-Director, Conference on Human Survival and Security | Harvard Center for Population and Development Studies, Harvard University |
| 1995 | Co-Director, Workshop on Psychosocial Needs of Children in War | UNICEF and Harvard Program on Human Security |
| 1999 | Co-Director, Workshop on Civilian Protection in War | Program on Human Security, Harvard University |
| 1999-2005 | Director, Program on Humanitarian Crises and Human Rights | François-Xavier Bagnoud Center for Health and Human Rights (FXB Center), HSPH |
| 2000 | Co-Director, Workshop on Role of Non-State Actors in Negotiating Humanitarian Protection | Harvard Center for Population and Development Studies |
| 2000 | Co-Director, Workshop on North-South Dialogue in Humanitarian Action | Harvard Center for Population and Development Studies |
| 2000-2005, 2012- | Course Co-Director, FXB Intensive Course on Health and Human Rights | HSPH |

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| 2001-2010 | Director, Inter-University Initiative on Humanitarian Studies and Field Practice | Harvard, MIT and Tufts Universities |
| 2002 | Director, Workshop on Feasibility of Demographic Study of the Partition of India | Harvard Center for Population and Development Studies; FXB Center |
| 2005 | Conference Co-Director, In the War Zone: How Does Gender Matter? | Radcliffe Institute for Advanced Study |
| 2005-2010 | Co-Director and Founder | Harvard Humanitarian Initiative, Harvard University |
| 2005 | Education Director, Institute for International Emergency Medicine and Health | Department of Emergency Medicine, Brigham and Women's Hospital |
| 2005-2006 | Faculty Organizer, Voices of Public Intellectuals Series | Radcliffe Institute for Advanced Study |
| 2010- | Director, FXB Center for Health and Human Rights | Harvard University |

EDITORIAL BOARDS:

Ad Hoc Reviewer

Journal of the American Medical Association
 New England Journal of Medicine
 American Journal of Public Health
 British Medical Journal

Other Editorial Roles

| | | |
|-----------|--------------------------|--|
| 1986-1989 | Chair | Publications Committee, Physicians for Social Responsibility |
| 1989-1994 | Editor-in-Chief | PSR Quarterly, A Journal of Medicine and Global Survival, |
| 1989-1997 | Member, Advisory Board | Environmental Impact Assessment Review |
| 1994-2010 | Member, Editorial Board | Health and Human Rights: An International Journal |
| 1994-1997 | Member, Editorial Board | Current Issues in Public Health |
| 1994-2000 | Editor-in-Chief | Medicine and Global Survival |
| 1995-1998 | Member, Editorial Board | Risk Management Foundation |
| 1998- | Visiting Editor | British Medical Journal |
| 2000- | Associate Editor | Medicine and Global Survival |
| 2006- | Member, Board of Syndics | Harvard University Press |
| 2008- | Member, Editorial Board | BMC International Health and Human Rights |
| 2010- | Publisher | Health and Human Rights: An International Journal |

MAJOR RESEARCH INTERESTS:

Medical human rights and international humanitarian law
 Medical ethics in research
 Humanitarian crises and public health practice
 Civilian protection and human security in conflict settings
 Demography of forced migration
 Public health preparedness
 Medical triage in war and disasters
 Environmental effects of war

History of civil defense and disaster response

RESEARCH SUPPORT:

Past Funding (last 10 years):

| | | | |
|-----------|---|--------------------|---|
| 2002-2003 | Harvard University Asia Center | PI | Research Advisory Council Workshop: India, Pakistan, and Bangladesh: The Historical Demography of Partition |
| 2003 | USAID & Tufts University | Field Investigator | Famine Assessment in Ethiopia |
| 2003-2005 | Private Donor | PI | Humanitarian Crises and Human Rights |
| 2003-2004 | Andrew W. Mellon Foundation | PI | A Demography Study of the Partition of India |
| 2003-2005 | Andrew W. Mellon Foundation | PI | Inter-University Initiative on Humanitarian Studies and Field Practice |
| 2004 | U.S. Agency for International Development | PI | Report on the Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan |
| 2005-2006 | Massachusetts Institute of Technology | PI | Research on Disasters |
| 2005-2006 | Private Donor | PI | Harvard Humanitarian Initiative |
| 2006-2010 | U.S. Centers for Disease Control and Prevention and Harvard School of Public Health Center for Public Health Preparedness | Co-PI | The Long-Term Psychosocial and Economic Impact of Explosive Remnants of War |
| 2006 | Fritz Institute | PI | Program Effectiveness Audit Tool Development: HIV/AIDS |
| 2006-2010 | Center for Disease Control | PI | The Long-Term Psychosocial and Economic Impact of Explosive Remnants of War |
| 2006-2011 | Weatherhead Center for International Affairs | PI | Partition of India |
| 2007-2009 | Silicon Valley Community Foundation | PI | Crisis Mapping and Early Warning to Prevent Mass Atrocities |
| 2008 | UN High Commissioner for Refugees | Consultant | Public Health Equity in Refugee Settings |
| 2008-2009 | Humanity United | PI | Rapid Assessment of a Conflict Early Warning System Development Initiative for Liberia |
| 2009-2010 | Brigham and Women's Hospital | Co-Investigator | Critical Interactions between the Global Fund supported HIV/AIDS and Tuberculosis programs and health systems |
| 2009-2011 | Brigham and Women's Hospital | Co-Investigator | Developing a Strategic Framework |
| 2012- | Open Society Foundation | Co-Investigator | Health and Human Rights Resource Guide |
| 2013-2014 | UNICEF | Co-Investigator | Child Protection Curriculum Development |
| 2013-2014 | Swiss Federal Department of Foreign Affairs | PI | Manual on Prevention of Mass Atrocities |
| 2014- | Hong Kong Jockey Club | Co-Investigator | Establishing evidence-based disaster preparedness and response in Hong Kong |

TEACHING EXPERIENCE:

| | | | |
|------------|--|---|---|
| 1977-1978 | Emergency Medicine Essentials: Hypothermia, hyperthermia, electrical injuries, radiation injuries, respiratory injuries, and burns | Massachusetts General Hospital (MGH) | Lecturer for three two week courses |
| 1977-1978 | Management of Medical and Surgical Emergencies | MGH | Lecturer for two two-day courses for physicians |
| 1978-1984 | Emergency Medicine for Emergency Medical Technicians | Mount Auburn Hospital | Lecturer for semester course |
| 1978-1984 | Emergency Medicine Seminars: Respiratory and environmental emergencies | Mount Auburn Hospital | Lecturer for semester course |
| 1978-1986 | Clinical supervision of Emergency Medicine Residents, Internal Medicine Residents, Surgical Residents and Medical students | Mount Auburn Hospital | |
| 1979 | Management of Medical and Surgical Emergencies: Respiratory emergencies | MGH | Guest Lecturer |
| 1984-1987 | Medical Aspects of Nuclear War | HMS | Lecturer |
| 1986-1997 | Advanced Cardiac Life Support courses | Brigham and Women's Hospital/ Harvard Health Plan | Lecturer |
| 1986-2005 | Clinical supervision of Emergency Medicine Residents, Internal Medicine Residents, Surgical Residents and Medical students | Brigham and Women's Hospital | |
| 1989, 1993 | Medical Ethics, New Pathways | HMS | Guest Lecturer |
| 1991-1992 | Emergency Response to Toxic Chemical Accidents, Hazardous Materials | HSPH | Lecturer for semester course |
| 1991- | Disaster Management/ Societal Response to Disasters | HSPH | Course Director, Lecturer |
| 1992 | Health and Human Rights | HMS | Guest Lecturer |
| 1993-1998 | Faculty Seminar in Medical Ethics: Case Studies in Medical Human Rights and Ethical Issues in Disasters | HMS | Guest Lecturer |
| 1993-2005 | Complex Humanitarian Emergencies | HSPH | Course Director, Lecturer |
| 1993-2008 | Medical Human Rights Seminar | HMS | Guest Lecturer |

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|-----------|---|-----------------------------------|--|
| 1993- | Advisor to MPH Students | HSPH | |
| 1994 | Health and Human Rights | HSPH | Guest Lecturer |
| 1995 | First Harvard Symposium on Complex Disasters | HMS | Lecturer for 2 day course |
| 1996 | Professionalism and Ethics in Managed Care: Patient Confidentiality in Managed Care Organizations | HMS / Harvard Pilgrim Health Care | Lecturer for two day course |
| 1997 | Emerging Infections : Impact of Complex Humanitarian Emergencies on New and Emerging Disease | Harvard Medical School | Guest Lecturer |
| 1997-2005 | Human Health and Global Environmental Change | HMS | Guest Lecturer |
| 1998-2004 | Public Health Issues of Bioterrorism | HSPH | Course Director, Lecturer |
| 1999-2002 | Humanitarian Crises and Human Rights Lecture | 1999-2002 | Humanitarian Crises and Human Rights Lecture |
| 1999-2004 | Ethics of Research on Trapped Populations | HSPH | Guest Lecturer |
| 2001 | Emergency Medicine in the 21st Century : The Role of Emergency Medicine in Refugee Settings | HMS | Guest Lecturer |
| 2001-2002 | Doctoral Dissertation Adviser for Theresa Stichick-Betancourt | HSPH | |
| 2001- | Methods, Norms and Operations: Humanitarian Studies I | HSPH | Course Director, Lecturer |
| 2001- | Field Skills for Humanitarian Studies II | HSPH | Course Director, Lecturer |
| 2002- | Introduction to the Practice of International Health | HSPH | Guest Lecturer |
| 2002- | Theory and Practice of Public Health in the US | HSPH | Guest Lecturer |
| 2003 | Globalization and Human Values: Envisioning World Community | Harvard College | Guest Lecturer |
| 2003-2004 | Master of Science Thesis Advisor for Melissa Cole | HSPH | |
| 2003-2004 | Doctoral Dissertation Advisor for Lauralynn | HSPH | |

| | Taylor | | |
|------------------|--|-----------------|--|
| 2003-2005 | Armed Violence, Health, and International Law | HSPH | Course Co-Director, Lecturer |
| 2003-11, 2013-14 | Freshman Seminar: Human Rights in Peace and War | Harvard College | Course Co-Director, Lecturer |
| 2003- | Humanitarian Protection in Conflict: Legal and Policy Challenges | HSPH | Course Co-Director ('03-'10), Lecturer |
| 2004- | Global Health Equity Seminar | HMS | Guest Lecturer |
| 2004 | Master of Science Thesis Advisor for Elise Raimi | HSPH | |
| 2004 | "Globalization and Human Values: Envisioning World Community" | Harvard College | Guest Lecturer |
| 2004 | Community-Based Participatory Research | HSPH | Guest Lecturer |
| 2004 | Theory and Practice of Public Health in the US | HSPH | Guest Lecturer |
| 2004 | Course on The Challenge of War to International Humanitarian Law | HLS | Guest Lecturer |
| 2004 | Master of Science Thesis Advisor for Kirsten Johnson | HSPH | |
| 2004-2005 | Master of Science Thesis Advisor for Julie Lamb | HSPH | |
| 2004-2005 | Master of Science Thesis Advisor for Takhi Bhavnani | HSPH | |
| 2004- | Introduction to Environmental Health | HSPH | Guest Lecturer |
| 2005-2006 | Master of Science Thesis Advisor for Clay Heaton | HSPH | |
| 2005-2008 | Public Health Operations in Complex Emergencies and War | HSPH | Course Co-Director, Lecturer |
| 2007-14 | Environmental Crises and Population Flight | Harvard College | Course Director, Lecturer |
| 2008-2009 | Master of Science Thesis Advisor for Nicholas Cooper | HSPH | |
| 2008-2011 | Demography and Population Sciences | HKS | Guest Lecturer |
| 2011- | Nutrition and Global Health | Harvard College | Guest Lecturer |

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| 2011- | Case Studies in Global Health: Biosocial Perspectives | Harvard College | Guest Lecturer |
| 2012- | Foundations in Humanitarian Studies | HSPH | Lecturer |
| 2012- | Field Methods in Humanitarian Crises II – Digital Methods | HSPH | Lecturer |
| 2012- | Essentials of International Human Rights and Humanitarian Law; Forced Migration in War and Disasters; Professional Norms | FXB Intensive Course on Health and Human Rights: Concepts, Implementation, and Impact, HSPH | Lecturer in CME Course |
| 2014 | Intensive Course on Health and Human Rights | CDC | Lecturer |

INVITED PRESENTATIONS:

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| 1981 | Emergency Response to Nuclear Accident/Attack The Second World Congress on Emergency and Disaster Medicine Pittsburgh, PA |
| 1981 | Second International Congress International Physicians for the Prevention of Nuclear War, Cambridge, United Kingdom |
| 1982 | Issues of Long-Term Survival Symposium on Aspects of Nuclear War McGill University, Montreal, CA |
| 1982 | The Physician's View of the Civilian Military Contingency Hospital System Radiology Grand Rounds Brigham and Women's Hospital |
| 1982 | Disaster Planning for the 80's Grand Rounds University of Massachusetts Medical School, Worcester, MA |
| 1982 | Survival After Nuclear War Testimony before the Boston City Council Hearings on Crisis Relocation Boston, MA |
| 1982 | Civil Defense and Nuclear War Symposium on the Consequences and Prevention of Nuclear War University of New Jersey Medical School, Newark, NJ |
| 1982 | Issues of Long-Term Survival Symposium on Medical Consequences of Nuclear Weapons and Nuclear War |

University of Minnesota Medical School, MN

- 1982 Civil Defense in the Nuclear Age
Testimony presented to the Committee on Foreign Relations, U.S. Senate hearings on US and Soviet civil defense programs
Washington, DC
- 1982 European Civil Defense Planning
Testimony presented to the House Oversight Committee, Subcommittee on Environment, Energy, and Natural Resources, US House of Representatives
Washington, DC
- 1983 Analysis of Civil Defense Research
Seminar Series
Program in Science, Technology and Society, Massachusetts Institute of Technology
- 1983 Disaster Management Strategies for Nuclear War
Third World Congress on Emergency and Disaster Medicine
Rome, Italy
- 1983 Third International Congress
International Physicians for the Prevention of Nuclear War, Amsterdam, The Netherlands
- 1983 The Illusion of Survival: Civil Defense for Nuclear War
Symposium on Medical Consequences of Nuclear Weapons and Nuclear War
Washington University of St. Louis, St. Louis, MO
- 1984 Civil Defense and Nuclear War
Grand Rounds
University of Illinois School of Medicine, Chicago, IL
- 1984 Civil Defense and Nuclear War
University of Chicago, Pritzker School of Medicine, Chicago, IL
- 1984 Fourth International Congress
International Physicians for the Prevention of Nuclear War, Helsinki, Finland
- 1984 Leadership Exchange
Physicians for Social Responsibility Executive Committee, Soviet Academy of Medical Sciences, Moscow, USSR
- 1984 Middle East Study Tour for Disarmament Activists
American Friends Service Committee, Israel, Egypt, Jordan, Syria, West Bank
- 1984-1987 Treatment of Radiation Injuries: Civil Defense and Disaster Response
Medical Aspects of Nuclear War Lecture
Harvard Medical School
- 1985 Fifth International Congress
Working group on national civil defense strategies
International Physicians for the Prevention of Nuclear War, Budapest, Hungary
- 1985 Nobel Peace Prize Award Ceremonies

- International Physicians for the Prevention of Nuclear War, Oslo, Norway
- 1985 Triage and Treatment of Burn and Blast Casualties
Symposium on Medical Implications of Nuclear War
Institute of Medicine, Washington, DC
- 1986 Nuclear Winter and the Longer-Term Consequences of Nuclear War
International Scientific Symposium
World Congress of Cardiology, Washington, DC
- 1986 Nuclear Disasters and the View from Chernobyl
Lecture
New England Medical Center
- 1987 Decision-Making under Stress: A Perspective on Disasters
Spring Lecture Series
Harvard Club of Boston
- 1987 Decision-Making under Stress: Case Study of Philadelphia MOVE Disaster
Lecture
Harvard Trauma Study Group, Harvard University
- 1987 History of U.S. Civil Defense and Disaster Planning
Brown University Medical School, Providence, RI
- 1987 Analysis of Current Civil Defense Plan
Testimony to the House Armed Services Subcommittee on Military Installations and Facilities, US
House of Representatives
Washington, DC
- 1988 Civil Defense and Nuclear War
Seminar for regional civil defense officials
Federal Emergency Management Agency, Emmitsburg, MD
- 1988 Space Bridge Course
Lecture
Tufts University
- 1988 Medical Ethics in Emergency Practice
Annual Meeting
American Medical Students Association, Boston, MA
- 1988 Systematic Trauma in the Occupied Territories
Panel on Human Rights Violations
American Public Health Association, Boston, MA
- 1988 Medical Ethics in Emergency Practice
Annual Meeting
American Medical Students Association, Boston, MA
- 1988 Trauma in the Occupied Territories
Annual Meeting Panel on Human Rights Violations

- American Public Health Association, Boston, MA
- 1988 Intermediate and Long-Term Consequences of Nuclear War
Eighth International Congress
International Physicians for the Prevention of Nuclear War, Montreal, Canada
- 1989 Physicians and War: Ethical Dilemmas
Ninth International Congress
International Physicians for the Prevention of Nuclear War, Hiroshima, Japan
- 1989 Triage, Disasters, and Civil Defense
State Directors, Federal Emergency Management Agency, Emmitsburg, MD
- 1989 Toxic Gas in Tbilisi
Human Rights Watch Board of Directors, New York, NY
- 1989 Toxic Gas in Tbilisi
Annual Meeting
American Public Health Association, Chicago, IL
- 1989 Emergency Services in the HMO Setting
City College of New York, New York, NY
- 1990 Human Rights and Physicians
American College of Physicians, Chicago, IL
- 1990 To Make Future Wars Impossible
Albert Schweitzer Memorial Symposium
United Nations, New York, NY
- 1990 Chemical Agents in Crowd Control
Annual Meeting
American Public Health Association, New York, NY
- 1990 The Future of FEMA
Testimony presented to the Senate Committee on Governmental Affairs, US Senate
Council on Foreign Relations and the Center for International Health and Development,
Washington, DC
- 1991 International Law and the Ethics of War
Tenth International Congress
International Physicians for the Prevention of Nuclear War, Stockholm, Sweden
- 1991 Disaster Medicine and Medical Human Rights: The Role of the Emergency Physician
Emergency Medicine Grand Rounds
Brigham and Women's Hospital
- 1991 Albert Schweitzer in 1991
The Schweitzer Symposium
The Albert Schweitzer Fellowships, Boston, MA

- 1992 War and the Environment
Symposium on Human Health and the Environment
Massachusetts Institute of Technology
- 1992 Somalia 1992: When the System Doesn't Work
Conference on Health and Human Rights
New York, NY
- 1993 Quality of Health Care in HMOs
Northeast Regional
National Governors' Association, Burlington, VT
- 1993 Responding to Populations in Distress: Assessment, Intervention, and Research Issues
Psychiatry Grand Rounds
Brigham and Women's Hospital
- 1993 Physicians and the Environment
Plenary Session, Eleventh International Congress
International Physicians for the Prevention of Nuclear War, Mexico City, Mexico
- 1994 Medical Human Rights
Pediatric Resident Rounds
Children's Hospital
- 1994 Documentation of Medical Human Rights Abuses
Conference on Health and Human Rights
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 1994 Getting the Facts Straight: Issues in Medical Human Rights Investigations
Conference on Human Survival and Security
Harvard Center for Population and Development Studies, Harvard University
- 1994 Environmental Effects of War
Quinnipiac College, CT
- 1994 Forum on Management for Health Care Reform
Simmons Graduate School of Management
- 1994 Visions of the Future
Lecture
EPIIC Program, Tufts University
- 1995 Assuring Confidentiality of Patient Information
HealthMart '95, The Ninth Annual Corporate Health Care Conference and Exposition
Massachusetts Health Data Consortium, Inc., Tufts University School of Medicine
- 1995 World Population on the Brink of a New Century: Crises and Opportunities
Alumni Weekend, HSPH
- 1995 Populations in Crisis: Lessons Learned from Somalia, Bosnia and Haiti

Alumni Weekend, HSPH

- 1995-2002 Health Emergencies in Large Populations (HELP)
One-day session on human rights, medical ethics, international humanitarian law, and human security
University of Hawaii / Johns Hopkins / International Committee of the Red Cross (ICRC)
- 1996 Challenges of Complex Humanitarian Disasters
Conference on Health and Human Rights
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 1996 Skills-Building Workshop on Documenting Human Rights Abuses
Conference on Health and Human Rights
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 1996 Complex Humanitarian Emergencies: Healing, Mercy, and Justice
Common Security Forum Population and Ethics Workshop
Harvard Center for Population and Development Studies, HSPH
- 1996 Research Issues in Disasters and Complex Humanitarian Emergencies
Annual Meeting
American Orthopsychiatry Association, Boston, MA
- 1996 How Do We Educate Disaster Planners?
Symposium: Planning for Disasters
Conference of Boston Academic Emergency Medicine (CBAEM)
- 1996 Human Security in Complex Humanitarian Emergencies
International Symposium on Humanitarian Relief in Disasters
International Medical Center of Japan (IMCJ), Japan Ministry of Health and Welfare, Tokyo, Japan
- 1996 Expert Seminar on Radiation Effects of Chernobyl
UNESCO, Paris, France
- 1996 2nd World Congress on Alternatives and Animal Use in the Life Sciences
Utrecht, The Netherlands
- 1996 Post-1945 Experiments in Humans in East and West
Medicine and Conscience: International Conference Commemorating the 50th Anniversary of the Medical Case before the Military Tribunal at Nuremberg
Nuremberg, Germany
- 1997 The Ethics of Professional Practice in Managed Care
13th Irving H. Mauss Honorary Lecture
North Shore University Hospital, New York, NY
- 1997 Human Rights Abuses in the Great Lakes Region
Testimony presented to the House Committee on International Relations, US House of Representatives
Washington, DC
- 1997 Research Issues in Complex Humanitarian Emergencies
World Health Organization, Geneva, Switzerland

- 1997 Giving Pain a Face and Granting Death a Name: International Humanitarian Law and the Responsibility of the Health Professional
Tenth Anniversary Celebration
Physicians for Human Rights, Boston, MA
- 1997 Complex Humanitarian Emergencies: The Medical and Public Health Response
75th Anniversary Symposium
HSPH
- 1998 Public Health Consequences of War
Conference on Environment and War
Environmental Law Institute, Washington, DC
- 1998 Managed Care and Physician Education on the Environment
National Environmental Education Task Force Conference
Washington, DC
- 1998 Human Rights and STDs
Annual CDC STD Conference
Dallas, TX
- 1998 Human Rights Abuses in Kosovo
Testimony presented to the Human Rights subcommittee of the House Committee on International Relations, US House of Representatives
Washington, DC
- 1998 Human Rights Abuses in Kosovo
Testimony presented to the Human Rights subcommittee of the Senate Foreign Relations Committee, US Senate
Washington, DC
- 1998 Pugwash Workshop on Ethics in Science and Medicine
Budapest and Debrecen, Hungary
- 1998 International Public Health Cooperation
Pugwash Conference on Public Health Issues
Havana, Cuba
- 1998 Bellagio Conference on Globalization and Health
Bellagio, Italy
- 1998 Human Rights in Humanitarian Practice
Medecins Sans Frontieres (MSF)
Amsterdam, The Netherlands
- 1998 Human Rights, Medical Ethics, and International Humanitarian Law
Conference on Humanitarian Law and Current Conflicts
International Committee of the Red Cross, Harvard Law School
- 1998 Dilemmas in Humanitarian Response
Common Security Forum
Center for Population and Development Studies, Harvard University

- 1998 Disparities and Transgressions: The Domain of Health and Human Rights
Lecture
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 1998 Exodus and Exile: Refugees and Migration in War and Conflict
Symposium
EPIIC/Tufts University, Medford, MA
- 1999 Leadership Advisory Committee on Research Ethics
World Health Organization, Geneva, Switzerland
- 1999 Population Response to Bioterrorism: Lessons for the European Command
Four-day seminar for 45 invited military and civilian experts
US Navy, Sicily, Italy
- 1999 Advisory Committee on Research Ethics
World Health Organization, Geneva, Switzerland
- 1999 Human Rights: Cultural Relativism and Humanitarian Relief
Five-day session for Médecins-Sans-Frontières leadership
Médecins-Sans-Frontières, The Netherlands
- 1999 Overview of Human Rights in Kosovo
University of Massachusetts – Amherst, Amherst, MA
- 1999 Feasibility of Conducting a Demographic Study of the Partition of India
MIT/Mellon seminar series
Cambridge, MA
- 1999 New Developments in Emergency Medicine
Seminar Series on Quality in US Health Care
Harvard Medical School
- 1999 Conflict in Kosovo
Seminar Series on Quality in US Health Care
JFK School of Government, Harvard University
- 1999 Issues of Post-Conflict Reconstruction: The Case of Kosovo
Seminar
Center for Population and Development Studies, Harvard University
- 1999 Humanitarian Crises and Human Rights
Takemi Seminar Series
HSPH
- 1999 Public Health Response to War-Affected Populations
Student-Faculty Seminar on War and Public Health
HSPH
- 1999 Workshop on Humanitarian Dilemmas in Kosovo

Carr Center for Human Rights, Harvard University

- 1999 Situation in Kosovo
Briefing
National Press Club, Washington, DC
- 2000 Training Physicians in Human Rights Investigations
Annual Meeting
American College of Physicians, Philadelphia, PA
- 2000 Briefing on Population Protection in War
Rountable on Demography of Forced Migration
National Academy of Sciences, Washington, DC
- 2000 Human Security in Crisis and Transition
USAID/Tulane University Consortium, Washington, DC
- 2000 Ethical Dilemmas in Humanitarian Action
Seminar series
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 2000 Human Rights and Ethnic Conflict: The Case of Kosovo
Seminar series
Weatherhead Center for International Affairs
- 2000 Breaking the Chains: Health, Human Rights, and a Role for Students
Lecture
Physicians for Human Rights, Harvard Medical School
- 2000 Impact of War on Health and Human Rights
Lecture
Physicians for Human Rights, Harvard Medical School
- 2000 Human Rights, IHL, and Response to War-Affected Populations
Program at Harvard Club of New York, Health and Human Rights in Times of Peace and Conflict
François-Xavier Bagnoud Center for Health and Human Rights, HSPH
- 2000 New Developments in Emergency Medicine
Seminar on New Developments in Medicine
Harvard Medical School
- 2000 Public Health in Disasters and War
Faculty Lunch Series
HSPH
- 2000 Conference on Human Rights and Conflict Resolution
Panel Presentation
Program on International Conflict Analysis and Resolution (PICAR), Weatherhead Center for
International Affairs
- 2000 Institution-Building in Kosovo: The Case of the Kosovo Medical Association
Seminar Series
Center for Population and Development Studies, Harvard University

- 2000 Seminar on Children and War
Lead Discussant
Harvard Program on Humanitarian Policy and Conflict Research, HSPH/ Harvard Law School
- 2000 Kosovo and Human Rights Issues
Symposium on Human Rights and Conflict Resolution
Brandeis University
- 2000 War in Kosovo
Annual Meeting
American Public Health Association, Boston, MA
- 2000 New Dimensions of Humanitarian Aid
Annual Meeting
American Public Health Association, Boston, MA
- 2000 Human Rights Dilemmas in Humanitarian Relief
Annual Meeting
American Public Health Association, Boston, MA
- 2000 Human Rights and Humanitarian Action
Five-day session for Médecins-Sans-Frontières leadership
Médecins-Sans-Frontières, Belgium
- 2001 Early Warning and Genocide
First Vienna Conference on Prevention of Genocide
Vienna, Austria
- 2001 Human Security in Crisis Settings
Takemi Seminar Series
HSPH
- 2001 Kosovo in Post-Conflict Transition, Panel Response to Address by Dr. Bernard Kouchner, Minister of Health, France
Harvard University Forum
- 2001 Public Health Aspects of Bioterrorism
Special Public Health Debate on Terrorism
HSPH
- 2001 Understanding Afghanistan: The Human Security Crisis
Special All-School Forum on Afghanistan
HSPH
- 2001 NGO Dilemmas and Choices
Harvard Expert Workshop on Humanitarian Challenges to International Humanitarian Law
Harvard Program on Humanitarian Policy and Conflict Research and International Committee of the Red Cross, HSPH
- 2001 Clinical and Public Health Issues in Bioterrorism

- Cabot House Lecture Series
Harvard College
- 2001 Humanitarian Crises and Human Rights
All-day workshop in Boston University ten-week course on Disasters and Humanitarian Crises
Boston University, Boston, MA
- 2001 Humanitarian Crises and Kosovo
Tufts University, Medford, MA
- 2002 War and Human Rights
Panel
Harvard University Alumni Association, HSPH
- 2002 Leadership in Crisis Settings
Leadership Seminar: US Postal Service Response to Anthrax Threat
Volpe Transportation Center, HSPH
- 2002 Field Report from Afghanistan
Seminar series
Center for Population and Development Studies, Harvard University
- 2002 War and the Environment: Issues of Human Security
Symposium on Environment and Development
Harvard University
- 2002 Women and War
Symposium on Women and Development
Radcliffe Institute for Advanced Studies
- 2002 Human Security and HIV/AIDS in Africa
Global Health Series
HSPH
- 2002 Challenges to Public Health After 9-11
Alumnae Meeting
HSPH
- 2002 Casualties of Conflict: Afghanistan
Seminar Series
Weatherhead Center for International Affairs
- 2002 Current Issues in Afghanistan
Winchester Town Meeting
Winchester, MA
- 2002 Human Rights and the War in Afghanistan
First Congregational Church, Bradford, MA
- 2002 Ethics of Humanitarian Action
three-day seminar

World Health Organization and the Humanitarian Accountability Project, Geneva, Switzerland

- 2002 Globalization and Humanitarian Crises
Forum on Emerging Infections and Globalization
Institute of Medicine, Washington, DC
- 2002 Humanitarian Crises and International Humanitarian Law
Peace and Security Funders Meeting
Rockefeller Brothers, New York, NY
- 2002 Ethical Issues in Humanitarian Aid
Global Health Council, Washington, DC
- 2002 Medicine in Humanitarian Crises
Annual Meeting
ACP Naval Physicians, San Diego, CA
- 2002 Bioterrorism and Public Health: The Ethics of Public Health Practice in Crisis Settings
Biosecurity Summit
Las Vegas, NV
- 2002-2004 Saving Lives and Livelihoods
Two-week yearly course/faculty
USAID, Dubai, Addis Ababa and Montreal
- 2003 Decision-Making in Crises
Surge Summit
Boston Public Health Commission, Boston, MA
- 2003 Working With Refugees
Grand Rounds
Boston Medical Center, Boston, MA
- 2003 The Role of Academic Centers in Public Health Preparedness
Testimony to the Massachusetts Senate Post Audit and Oversight Committee
Massachusetts State House, Boston, MA
- 2003 The Role of the Military in Post-Conflict Reconstruction: Current Issues and Challenges in Iraq and Afghanistan
MIT Security Studies Program Seminar Series
Massachusetts Institute of Technology, Cambridge, MA
- 2003 Evolution of Humanitarian Studies: Defining the Field
Two-Day Workshop: Towards a New Curriculum for Humanitarian Studies
Tufts University, Medford, MA
- 2003 Humanitarian Action in Post-War Iraq
Brown University, Providence, RI
- 2003 Public Health Norms and Legal Issues in Bioterrorism Preparedness
Video conference teaching course with Maine Bureau for Public Health

- Center for Public Health Preparedness, HSPH
- 2003 Public Health Issues in Bioterrorism Response
Executive Session on Domestic Preparedness: Terrorism at Home: Challenges for the Media
Covering America's Security
JFK School of Government, Harvard University
- 2003 The Future of Afghanistan / Spring Exercise
JFK School of Government, Harvard University
- 2003 Conflict Resolution, Human Rights and Humanitarian Assistance: Synergies and Obstacles
Lecture
PICAR, Weatherhead Center for International Affairs
- 2003 Iraq: Issues of Post-Conflict Reconstruction
Faculty Lunch
HSPH
- 2003 The War in Iraq: Assessment of the Humanitarian Situation
Seminar series
Center for Population Studies, Harvard University
- 2003 Symposium on Children, Families and Trauma: The World After 9-11
Panel Presentation
Harvard Children's Initiative, Harvard Law School
- 2003 Public Health and Urban Biodefense
Symposium on Urban Biodefense: Motivations and Strategies
JFK School of Government, Harvard University
- 2003 Challenges to Humanitarian Action
Lecture
Humanitarian Leadership Program, Harvard Business School
- 2003 New Wars, New Challenges to Human Rights and International Humanitarian Law
Expert Two-Day Workshop on Protection of Civilians Against the Effects of Hostilities
Program on Humanitarian Policy and Conflict Research, Harvard University
- 2003 Demographic and Humanitarian Impact of Partition
South Asia: Bridging the Great Divides
South Asia Initiative, Harvard University
- 2003 International Health Policy
BWH/MGH Emergency Medicine Resident Seminars
Massachusetts General Hospital
- 2003 Responding to Humanitarian Crises: Decision Points in NGO Deliberation
Crisis Management Workshop
JFK School of Government, Harvard University
- 2003 Reconstruction and Its Discontents: Early Lessons From Afghanistan and Iraq
Seminar series

Center for Population and Development Studies, Harvard University

- 2003 Human Security and Humanitarian Crises
Health Policy Session
HSPH
- 2003 Challenges of Disaster Management Education
Georgetown University, Washington, DC
- 2003 Compassion in War
Meeting of principal investigators
Fetzer Institute, Chicago, IL
- 2003 Human Rights Issues for Special Operations Forces
Carr Center for Human Rights Policy / JFK Special Warfare Center, Fort Bragg, Fayetteville, NC
- 2003 Public Health Leadership in Crisis Settings
Second Annual Partnership Conference on Public Health Law
Centers for Disease Control, Atlanta, GA
- 2003 Issues of Post-conflict Reconstruction
Two-day Harvard in Europe Conference, "Constructing a New International Order: Implications for
Intervention on Culture, Religion, and Politics"
Harvard Alumni Association, London, England
- 2004 Post-War Reconstruction
Joint Readiness Clinical Advisory Board, Fort Detrick, MD
- 2004 War and the Environment
Conference on Global Health and Security in the Second Nuclear Age
Physicians for Social Responsibility, Philadelphia, PA
- 2004 Humanitarian Impact Conference
Fritz Institute, Washington, DC
- 2004 Interaction between Military Personnel and NGOs
Joint Readiness Clinical Advisory Board, Fort Detrick, MD
- 2004 Annual Roundtable on the Demography of Forced Migration
The National Academies, Washington, DC
- 2004 Workshop on the Typologies of Relevance to the Study of Forced Migration
The National Academies, Washington, DC
- 2004 International Health Policy
Keynote Lecture, Annual Meeting of Emergency Physicians, Partners Health Care
Emergency, Brigham and Women's Hospital
- 2004 Humanitarian Protection: Concepts and Strategies in Post-War Iraq
Colloquium Series

Carr Center for Human Rights Policy, JFK School

- 2004 Applying the Genocide Convention: The Case of Darfur
Lecture
Center for Middle Easter Studies, Harvard University

- 2004 Maine Training on Surveillance and Epidemiology
Video conference
Center for Public Health Preparedness, HSPH

- 2004 Research Ethics and Obligations to Protect
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University

- 2004 International Humanitarian Law and the Geneva Conventions
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University

- 2004 Challenges to Human Security
Seminar on HIV/AIDS and Maternal Health
Women's Leadership Board, JFK School

- 2004 Informal High-Level Expert Meeting on Current Challenges in International Humanitarian Law
Program on Humanitarian Policy and Conflict Research, HSPH

- 2004 Genocide and Darfur
Roundtable on Sudan
HSPH/Physicians for Human Rights

- 2004 Darfur, Livelihoods and Genocide
Forum on Sudan
JFK School

- 2004 New Threats to Security
Seminar series
Weatherhead Center for International Affairs

- 2004 The Crisis in Darfur
Speaker series
Pforzheimer House, Harvard College

- 2004 War and Public Health
Keynote Lecture
Leadership Council, HSPH

- 2004 Humanitarian Protection: The Crisis in Darfur
Seminar series
Weatherhead Center for International Affairs

- 2004 Crisis in Darfur: Where are the issues and what can be done now?
Seminar
HSPH

- 2004 Genocide and Darfur
Lecture
American Academy of Arts and Sciences
- 2004 Ethical and Legal Issues in Population-Based Response Measures
Massachusetts satellite training broadcast on "Isolation and Quarantine: Getting Ready,"
Massachusetts Department of Public Health, Worcester, MA
- 2004 Reverse site visit of the Harvard School of Public Health Center or Public Health Preparedness
Centers for Disease Control, Boston, MA
- 2004-2005 Public Health Response to Emergencies
Lecture
Boston University
- 2004-2005 Field Research Methods
Lecture
Fletcher School of International Law and Diplomacy
- 2005 International Conflict and Mental Health: Current State of Understanding
Psychiatry Resident Seminars
Cambridge Hospital
- 2005 Human Security in Crisis and Transition
Conference on The Future of Human Security: Challenges, Capability, Identity
Pell Center for International Relations and Public Policy of Salve Regina University, Newport, RI
- 2005 Seminar on Governance and Social Involution surrounding HIV/AIDS
Harvard Initiative for Global Health, Harvard University
- 2005 The Darfur Disaster and International Response
Seminar series
Harvard Center for Population and Development Studies, Harvard University
- 2005 Public Health in War and Disaster: Commonalities and Differences
Forum on the Asian Tsunami, Humanitarian Response to the Asian Tsunami: Lessons Learned
and Relearned
HSPH
- 2005 Public Health and the Impact of War on Populations
Fisher Dinner
Harvard Graduate School of Arts and Sciences
- 2005 Current Health Issues and Medical Challenges in Darfur
Darfur Panel
HMS
- 2005 Research Ethics and Obligations to Protect
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University

- 2005 International Humanitarian Law and the Geneva Conventions
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University
- 2005 Humanitarian Crises: Cautionary Notes on Intervention and Reconstruction
Alumni Affairs and Development Symposium
Harvard Business School
- 2005 Post-conflict settlements
Lecture
Weatherhead Center for International Affairs
- 2005 Teach-In on Hurricane Katrina
Lecture
Harvard University
- 2005 Challenges Facing the Humanitarian Enterprise in the Post 9-11 World
Harvard Business School Reunion
Harvard Business School
- 2005 Role of academia and the human rights community in humanitarian work
Global Health Equity Residents Seminar Series
Brigham and Women's Hospital / Global Health Equity
- 2005 Public Health Priorities in the Aftermath of Hurricane Katrina
Symposium
HSPH
- 2005 Humanitarian Crises: Have We Reached a Point of Inflection, Reflection, or Both?
Leadership Council
HSPH
- 2005 Rape and the Gendered Weapons of War
Two day conference, "Conference on Gender and War, In the War Zone: How Does Gender Matter?"
Radcliffe Institute for Advanced Study
- 2005 Humanitarian Issues
Women's Leadership Board Biannual Meeting
HKS
- 2005 The Dominant and Non-Dominant Discourse of Disaster Analysis
Roundtable Panel on Hurricane Katrina
FAS
- 2005 Public Health Aspects of War and Disaster
Keynote Lecture
Executive Advisory Council, Health Policy and Management, HSPH
- 2005 Tsunami and Disaster Relief: Where Are We Headed?
Roundtable Discussion
South Asia Initiative, Harvard University

- 2005 Disasters in the 21st Century: Exploring the Non-Dominant Discourse
Lunch seminar series
Weatherhead Center for International Affairs
- 2005 Global Health Crises and Response
Pathways to Peace Symposium
Pacific Lutheran University, Tacoma, WA
- 2005 Health, Philanthropy and Ethics
Conference "Philanthropy, Ethics and International Aid"
Princeton University, Swinburne University (Melbourne, Australia), and Carnegie Council on ethics
and International Affairs, Princeton, NJ
- 2006 Student film showing, Black History Month, "Hotel Rwanda"
Commentary
HSPH
- 2006 Disasters in the 21st Century
Seminar series
Weatherhead Center for International Affairs
- 2006 Hurricane Katrina and the Path from Here
Symposium on Disasters, Natural and Unnatural
Center for the Environment, Harvard University
- 2006 Hurricane Katrina and Disaster Discourses
Disaster Symposium, Natural and Technological Disasters
HSPH
- 2006 Research Ethics and Obligations to Protect
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University
- 2006 International Humanitarian Law and the Geneva Conventions
Third Millennium Foundation Workshop
Committee on Human Rights, Harvard University
- 2006 From Research to Policy: Finding Creative Solutions to Conflict
Lecture
Program on Humanitarian Policy and Conflict Research, Harvard University
- 2006 Student film showing, "Osama"
Harvard College Student Advocates for Human Rights
- 2006 Reassessing Challenges of International Humanitarianism
Panel
MIT Center for International Studies and the Kennedy School of Government
- 2006 International Humanitarian Law
Staff Training
Oxfam America, Boston, MA

- 2006 Darfur: War Crimes, Assault on Health, and Challenges for Action
National Student Conference
Physicians for Human Rights
- 2006 Session on Women in the Military
Radcliffe Alumnae Association and US Institute for Peace, Washington, DC
- 2006 Humanitarian Health Conference
Dartmouth School of Medicine, Dartmouth
- 2006 Insights from the Field: Development in Conflict-Affected Environments
Panel
World Bank, Washington, DC
- 2006 Disaster Discourses
Two-day Harvard in South Asia Conference, "South Asia Without Borders"
Harvard Alumni Association, Delhi, India
- 2006-2008 Post-Colonial War Seminar
Three expert working group seminars
Radcliffe Institute for Advanced Study
- 2007 Darfur on the Ground
Colloquium on Darfur
Fordham Law School, New York, NY
- 2007 Darfur: Assault on Survival
Emmanuel College, Boston, MA
- 2007 The Conflict in Darfur
Keynote Lecture
Center for Human Rights and International Justice, Boston College
- 2007 Group on Mass Violence
Lecture
Center for Government and International Studies, Harvard University
- 2007 Social Enterprise Conference panel
Harvard Business School
- 2007 Challenges of Medical Relief in War
Panel
HSPH
- 2007 Environment in an Age of Terror
Panel
Humanities Center, Harvard University
- 2007 Challenges Facing the Humanitarian Enterprise in the Post 9-11 World
HBS Reunion

- Harvard Business School
- 2007 Women in Harvard Politics
Panel
Harvard Undergraduate Panel, Harvard University
- 2007 Crisis Mapping, Early Alerts, and Early Warning
Lecture
Harvard Initiative for Global Health, Harvard University
- 2007 Remnants of Violence: Models for Addressing Issues of Transnational Justice, Trauma and
Reconciliation
The Peace Process in Aceh conference
Department of Social Medicine, Harvard Medical School
- 2007 Ask What You Can Do for Your Country: The Legacy of Navin Narayan
Navin Narayan Memorial Lecture
Harvard University
- 2007 Analyzing Disasters, Disaster Management
Seminar Series
HKS
- 2007-2008 Civilian Protection Presentation, Humanitarian Action Summit
Working Group
Harvard Humanitarian Initiative, Harvard University
- 2007-2010 Humanitarian law and Medical Ethics in Complex Emergencies
Lecture
Feinstein Famine Center and School of Nutrition
- 2008 The New Era of Humanitarian Response
Social Enterprise Conference
Harvard Business School
- 2008 Rape as a Weapon of War: Sexual Violence in the Congo
Lecture
Harvard Humanitarian Initiative
- 2008 Crisis in Chad
Lecture
Harvard Humanitarian Initiative
- 2008 Principles and Practices of Humanitarian Intervention, World Order as a U.S.-European Issue
Lecture
Weatherhead Center for International Affairs
- 2008 The China Senior Health Executive Education Program
Lecture
HSPH
- 2008 Conflict Early Warning Workshop

- Workshop
Harvard Humanitarian Initiative and Humanity United
- 2008 Grace in the dark, a series of conversations with Anna Deavere Smith
Lecture
Humanities Center at Harvard University and The American Repertory Theatre
- 2008 Gender-Based Violence in Recent Intra-State Conflicts
Lecture
Harvard Humanitarian Initiative and Radcliffe Institute for Advanced Study
- 2008 The Road to the Referendum: Prospects for the Success of Sudan's Comprehensive Peace Agreement
Panel
Weatherhead Center for International Affairs, Harvard University
- 2008 Postcolonial Wars: Current Perspectives on the Deferred Violence of Decolonialization
Panel
Radcliffe Institute for Advanced Study
- 2008 Ending Impunity and Maintaining Humanitarian Access: Dilemmas in Law and Practice
Panel
Humanitarian Policy and Conflict Research, Harvard University
- 2008 Mumbai Terror Attacks: A workshop on crisis planning in South Asia
Workshop
Harvard Humanitarian Initiative, Harvard University
- 2008 Crimes Against Humanity
Symposium
HKS
- 2008 Gender-Based Violence in War Seminar
Exploratory seminar
Radcliffe Institute for Advanced Studies
- 2008 The Genocide Convention at 60 Years: New Challenges or the Same Old Ones?
Panel
Harvard Humanitarian Initiative
- 2008 A Memory of Humanity: From Solferino to Guantanamo Harnessing the Power of Women
Lecture
American Red Cross of Massachusetts Bay
- 2008 12th Update in Travel Medicine and Global Health
University of Washington School of Medicine
- 2008-2009 Global Women's Health Leadership
Exploratory seminar
Radcliffe Institute for Advanced Studies
- 2009 Darfur: The humanitarian crisis and the problem of genocide
Keynote address

Lenox Hill Hospital, New York, NY

- 2009 War and human rights in Africa: Insights from Darfur/Chad, DRC, and Liberia
Keynote Address
University of Wisconsin Madison, Madison, WI
- 2009 Civilian-Military Coordination in Complex Emergencies: Best Practices in Knowledge Management
Panel
Humanitarian Information Unit, US Department of State, Washington, DC
- 2009 International Conference on Crisis Mapping
Keynote Address
John Carrol University, University Heights, OH
- 2009 NATO Advanced Research Workshop
Speaker & participant
NATO, Vieques, PR
- 2009 Art as a tool for social engagement: Children surviving land mines in Colombia
Panel
Harvard Humanitarian Initiative, Harvard University
- 2009 Breast Cancer in Developing Countries: An Unforeseen Public Health Priority
Panel
HSPH
- 2009 Swine Flu
Teach-in
HSPH
- 2009 Sichuan Earthquake Assessment
Panel
HSPH
- 2009 Current Controversies in international humanitarian law
Summary Discussion for one-week expert course
HSPH
- 2009 The Harvard School of Public Health and Asia: A Forum on Current Research, Training and Health
Policy Issues in East, South and Southeast Asia
Harvard University
- 2009 The Ethics of Triage in Disaster
Panel
HSPH
- 2009 Introduction to Palestinian Health
Presentation
HSPH
- 2009 Afghanistan and Human Security
Fellows Seminar

Carr Center, Harvard Kennedy School

- 2009 Keynote Address
World Conference
World Association of Disaster and Emergency Medicine, Amsterdam, Netherlands
- 2010 Keynote Address
Global Pulse Conference
United Nations, Bellagio, Italy
- 2010 Keynote Address
Reproductive Health Working Group of Arab Countries and Turkey
Cairo, Egypt
- 2010 Panel
20th Anniversary Conference
MSF Amsterdam, Amsterdam, Netherlands
- 2010 The Haitian Crisis
Symposium
Harvard University
- 2010 Global Health Impact of War on Vulnerable Populations
Barry Bloom Lecture Series
HSPH
- 2010 Harvard Bioethics Conference
Keynote Address
Harvard College
- 2010 Sexual Violence and Armed Conflict
Panel
Consortium on Gender, Security, and Human Rights, University of Massachusetts, Boston, MA
- 2010 Visual Analytics Conference
Keynote Address
Visual Analytics Consortium, Washington, DC
- 2010 Women and International Criminal Law
Conference Speaker
American Society of International Law, Washington, DC
- 2010 Children in Crisis
Presentation
Leir Foundation Conference, CT
- 2011 The Obligation to Protect: Upholding Norms in Conflict Settings
Keynote Address
Physicians for Human Rights National Student Conference
- 2011 Human Security in Conflict Settings

- Panel
UN Panel on Human Security, New York, New York
- 2011 Leadership in Crisis Management
Keynote Address
Homeland Security, Washington DC
- 2011 The Impact of War on Civilian Populations: The Analytic Role of Public Health
Panel
MGH Department of Medicine Bicentennial, Boston, MA
- 2011 Humanitarian Action Summit
Panel
Harvard Humanitarian Initiative, Harvard University
- 2011 Response to the Earthquake, Tsunami and Nuclear Crises in Japan
Panel
The Forum, HSPH
- 2011 Disaster Response: A Decade of Lessons Learned Post-9/11
Forum
The Forum, HSPH
- 2011 Response to the Earthquake, Tsunami and Nuclear Crises in Japan: Disaster Leadership in Action
Forum
The Forum, HSPH
- 2012 Moderator of Discussion with Sir Nigel Crisp
Forum at the Harvard School of Public Health
- 2012 Teaching Presentation at the HILT Inaugural Symposium
Harvard Initiative for Learning and Teaching
- 2012 Anticipating Mass Atrocities: The Role of Human Rights Investigations
Presentation
Weatherhead Center for International Affairs, Harvard University
- 2012 Health Security in South Asia
Presentation
South Asia Initiative Panel on Health and Science in South Asia/ Harvard University
- 2012 Patterns in Genocide
Presentation
Genocide Scholars Meeting, Yad Vashem, Israel
- 2012 Humanitarian Crises: Norms and Operations
Presentation
MGH Emergency Residents, Boston, MA
- 2012 Resilience and Human Security
Keynote Address

- Pop Tech Conference, Maine
- 2012 Moderator, Voices from the Field with Paula Johnson
The Forum, HSPH
- 2013 Ethics and Human Rights: The Problem of Torture
Presentation
Institute of Medicine, Washington, DC
- 2013 Health and Human Rights in Complex Humanitarian Emergencies
Keynote Address
EPIIC Symposium, Jean Mayer Award Dinner, Tufts University
- 2013 Humanitarian Early Warning: Problems and Complexity
Presentation
Weatherhead Center for International Affairs, Harvard University
- 2013 Global Health and Human Rights: Wrongs against Person and Populations
Lecture
Harvard Global Health Institute
- 2013 Atrocity-Induced Forced Migration: Patterns, Early Warning Policy
Seminar
Global Health and Population Department, Harvard School of Public Health
- 2013 Gender-based Violence in Conflict
Presentation
Harvard Kennedy School Program Congo on the Wire
- 2013 Patterns of Suffering: Humanitarian Early Warning
Keynote Address
Harvard Faculty Club of New York
- 2013 Global Health in Africa: Challenges and Opportunities
Keynote Address
Harvard Alumni Association Board of Directors
- 2013 Patterns of Suffering: Humanitarian Early Warning
Panel
Cardozo Law School/Auschwitz Institute, New York City
- 2013 Health and Human Rights in Humanitarian Crises
Keynote Address
Symposium on Humanitarian Assistance, Brown University
- 2013 Medical and Public Health Issues in Climate Change
Presentation
Program on Climate Change and Public Health, Massachusetts General Hospital
- 2013 Kumbh Mela: Mapping the Ephemeral City
Workshop

Radcliffe Institute, Harvard University

- 2013 The Humanitarian Crisis in Syria
Panel
The Forum, HSPH
- 2014 Humanitarian Early Warning: The Quest for Patterns and Indicators
Grand Rounds
Mt. Sinai School of Medicine, New York, New York
- 2014 Dealing with the past, dealing with the future: dealing with past atrocities and preventing atrocities, experiences, lessons learned and perspectives
Plenary
Global Action Against Mass Atrocity Crimes First International Meeting, San Jose, Costa Rica
- 2014 Moving Forward: Towards a Community of Commitment and Practice
Plenary
Global Action Against Mass Atrocity Crimes First International Meeting, San Jose, Costa Rica
- 2014 Preventing Atrocities: On-going monitoring of violations of human rights and international humanitarian law, Challenges for future accountability mechanisms
Plenary
Global Action Against Mass Atrocity Crimes First International Meeting, San Jose, Costa Rica
- 2014 Overview
Plenary
Lancet Palestinian Health Alliance Conference, Amman, Jordan
- 2014 What have we learnt regarding disaster preparedness and resilience building in health emergency in rural China?
Presentation
Dean's Trip to China, Hong Kong
- 2014 Syrian Refugees in Jordan and Lebanon: Current and Looming Problems
Seminar
Myron Weiner Series, Massachusetts Institute of Technology, Boston, MA
- 2014- Disasters and Mental Health
Workshop
South Asia Institute Annual Symposium, Harvard University
- 2014 The role of evidence in humanitarian decision-making
Keynote
Médecins Sans Frontières UK Scientific Day, London, UK
- 2014 Gaza: International Humanitarian Law and Human Rights
Harvard Law School
- 2014 Ebola Panel Discussion
Committee on African Studies, Harvard University

- 2014 Beyond 'Trauma': Emerging Agendas in Understanding Mental Health in the Middle East
Keynote
Department of Social Science, Health, and Medicine, King's College London, London, UK
- 2014 Beyond Tilting at Windmills: One physician's remarkable journey in public health
Keynote
Johns Hopkins Bloomberg School of Public Health, Department of Environmental Health Sciences,
Baltimore, MD
- 2014 Gender and Violence: New research from Roma, Pakistan, and Uganda
Panel
FXB Center for Health and Human Rights and Academic Ventures, Radcliffe Institute for Advanced
Studies
- 2015 Forced Migration and Human Rights: Can we maintain the promise of protection?
Hrant Dink Memorial Lecture on Human Rights, MIT

BIBLIOGRAPHY

Peer Reviewed Publications

1. Leaning J. "Post-exposure treatment of rabies." *Nurs Times* 1977 Mar 17;73(11):377-8.
2. Link JL. "Emergency response to nuclear accident/attack." *Journal of the World Association of Emergency and Disaster Medicine* 1985; 1:385-95.
3. Leaning J, Leaf A. "Public health aspects of nuclear war." *Ann Rev Public Health* 1986; 7:411-39.
4. Geiger HJ, Leaning J. "Nuclear winter and the longer term consequences of nuclear war." *Prev Med* 1987; 16:308-28.
5. Leaning J. "Physicians, triage, and nuclear war." *Lancet* 1988; 8605:269-70.
6. Daley W, Leaning J, Braen R. "Prehospital emergency services and health maintenance organizations: An HMO perspective." *J Emerg Med* 1988; 6:333-338.
7. Cassel CK, Leaning J. "Chernobyl: Learning from experience." *New Engl J Med* 1989; 321:254-5.
8. Leaning J, Wilkinson J, Sansby S. "Clinical triage at Harvard Community Health Plan." *HMO Practice* 1991; 5:84-9.
9. Wilkinson J, Sansby S, Leaning J. "After-hours telephone triage: recruitment, training and retention of personnel." *HMO Practice* 1991; 5:90-4.
10. Wasson J, Hays R, Rubenstein L, Nelson E, Leaning J, Johnson D, Keller A, Landgraf J, Rosenkrans C. "The short-term effect of patient health status assessment in a health maintenance organization." *Qual Life Res* 1992; 1:99-106.

11. Barron RA, Leaning J, Rumack BH. "The catastrophe reaction syndrome: Trauma in Tbilisi." *Int J Law Psychiat* 1993; 16:401-26.
12. Bernstein S, McGlynn E, Siu A, Roth C, Sherwood M, Keesey J, Kosecoff J, Hicks N, Brooks R, Beloff J, Mansheim B, Goldfield N, Lieb F, Ferriss D, Perry B, Plotkin G, Leaning J, Marine E, Curtin K, Austin J, Wiesenthal A, Carr T, Sapin S, Johnson I, Swanson G, Leatherman S. "The appropriateness of hysterectomy. A comparison of care in seven health plans." *JAMA* 1993; 269(18): 2398-2402.
13. Wiebers DO, Leaning J, White RD. "Animal protection and medical sciences." *Lancet* 1994; 343:902-04.
14. Leaning J. "Questions coming late in the day. Environmental Impact Assessment Review." *Special Issue: Human health and the environment* 1994; 14:321-6.
15. Wiebers DO, Barron RA, Leaning J, Ascione FR. "Ethics and animal issues in US medical education." *Med Edu* 1994; 28:517-23.
16. Leaning J. "Medicine and international humanitarian law." *BMJ* 1999; 319:393-4.
17. Bruderlein C, Leaning J. "New challenges for humanitarian protection." *BMJ* 1999; 319:430-5.
18. Leaning J, Vollen L, Palmer C. "Physicians for Human Rights documents systematic abuse against ethnic Albanian physicians and patients." *Lancet* 13 March 1999; 353(9156): 921-922.
19. Leaning J. "Humanitarian medicine and women's health." *J Women Health Law* 1999-2000; 1(2):105-8.
20. Leaning J. "Environment and health: Impact of war." *CMAJ* 2000; 163(9):1157-61.
21. Leaning J. "Ethics of research in refugee populations." *Lancet* 2001; 357:1432-3.
22. Leaning J. "Was the Afghan conflict a just war?" *BMJ* 2002; 324:353-5.
23. Leaning J. "Letter from Afghanistan." *BMJ* 2002; 324:360.
24. Leaning J. "Human rights and conflict." *Health and Human Rights* 2003; 6(2):151-60.
25. Leaning J. "Public health, war and terrorism." *Harv Health Pol Rev* 2003; 4(1): 51-5.
26. Stabinski L, Pelley K, Jacob S, Long J, Leaning J. "Reframing HIV and AIDS." *BMJ* 2003; 327: 1101-03.
27. Viverette MA, Leaning J, Steeg SK, Gebbie KM, Litchveld M. "Who will keep the public healthy? Assuring a legally prepared workforce." *J Law Med Ethics* 2003; 31(s4):81-83.
28. Leaning J, Arie S, Stites E. "Human security in crisis and transition." *Praxis: The Fletcher Journal of International Development* 2004; 19:5-30.

29. Young H, Taylor A, Way S, Leaning J. "Linking rights and standards: the process of developing 'rights-based' minimum standards on food security, nutrition and food aid." *Disasters* 2004; 28:142-59.
30. Leaning J. "Diagnosing Genocide – The Case of Darfur." *New Engl J Med* 2004; 351:735-8.
31. Leaning J. "Psychosocial well-being over time." *Secur Dialogue* 2004; 35:354-5.
32. Lautze S, Leaning J, Raven-Roberts A, Kent R, Mazurana D. "Assistance, protection, and governance networks in complex emergencies." *Lancet* 2004; 364:2134-41.
33. Orfaly RA, Biddinger PD, Bernstein JL, Leaning J. "Integration of Academia and Practice in Preparedness Training: The Harvard School of Public Health Experience." *Public Health Rep.* 2005;120 Suppl 1:48-51.
34. VanRooyen M, Leaning J. "After the Tsunami - Facing the Public Health Challenges." *New Engl J Med* 2005; 352:435.
35. Leaning J, VanRooyen M. "An assessment of mortality studies in Darfur, 2004-2005." *Humanitarian Exchange* 2005; 30:23-6.
36. Orfaly RA, Biddinger PD, Burstein JL, Leaning J. "Integration of Academia and Practice in Preparedness Training: The Harvard School of Public Health Experience." *Public Health Rep* 2005; 120, supplement 1:48-51.
37. Walker P, Wisner B, Leaning J, Minear L. "Smoke and mirrors: deficiencies in disaster funding." *BMJ* 2005; 330:247-50.
38. Leaning J. "The dilemma of neutrality." *PDM* 2007; 22(4):300-4.
39. Hill K, Seltzer W, Leaning J, Malik SJ, Russell SS. "The demographic impact of partition in the Punjab in 1947." *Popul Stud* 2008; 62(2):155-170.
40. Leaning J, Breederveld C. "Humanitarian Crises." *PDM* 2008; 23(S2): s87-s88.
41. VanRooyen M, Leaning J, Johnson K, Hirschfeld K, Tuller D, Levine A, Hefferman J. "Employment of Livelihoods analysis to define genocide in the Darfur region of Sudan." *J Genocide Res* 2008; 10(3):343-358.
42. Loane G, Leaning J, Schomig S, van Tulleken A, O'Laughlin K. "Report of the Civilian Protection Working Group. Humanitarian Action Summit 2009." *PDM* 2009; 24(2):197-201.
43. Bartels S, Scott J, Mukwege D, Lipton R, VanRooyen M, Leaning J. "Patterns of sexual violence in Eastern Democratic Republic of Congo: reports from survivors presenting to Panzi Hospital in 2006." *Conflict and Health* 2010; 4(9):1-5.
44. Bartels S, Scott J, Leaning J, Mukwege D, Lipton R, VanRooyen M. "Surviving sexual violence in Eastern Democratic Republic of Congo." *J Int Women Stud* 2010; 11(4):37-49.

45. Leaning J, Spiegel P, Crisp J. "Public health equity in refugee situations." *Conflict and Health* 2011; 5:6.
46. Bartels S, Scott J, Leaning J, Kelly J, Joyce N, Mukwege D, VanRooyen M. "Psychosocial consequences of sexual violence in South Kivu Province, Democratic Republic of Congo." *J Peace Gen Dev Stud* 2011; 1(2):48-52.
47. Leaning J. "Enforced displacements of civilian populations in war: A potential new element in crimes against humanity." *Int Criminal Law Rev* 2011; 11:445-462.
48. Leaning J, Lappi MD. "Commentary: Fighting a war, sparing civilians." *Lancet* 2011; 378:857-859.
49. Bartels SA, Scott JA, Leaning J, Kelly JT, Mukwege D, Joyce NR, VanRooyen MJ. "Sexual violence trends between 2004 and 2008 in South Kivu, Democratic Republic of Congo." *PDM* 2011; 26:408-13.
50. Tsai AC, Eisa MA, Crosby SS, Sirkin S, Heisler M, Leaning J, Iacopino V. "Medical evidence of human rights violations against non-Arabic-speaking civilians in Darfur: a cross-sectional study." *PLoS Medicine* 2012; 9(4): e1001198.
51. Betancourt TS, Salhi C, Buka S, Leaning J, Dunn G, Earls F. "Connectedness, social support and internalizing emotional and behavioral problems in adolescents displaced by the Chechen conflict." *Disasters* 2012; 36(4):635-55.
52. Bartels SA, Scott JA, Leaning J, Kelly JT, Joyce NR, Mukwege D, Vanrooyen MJ. "Demographics and care-seeking behaviors of sexual violence survivors in South Kivu province, Democratic Republic of Congo." *Disaster Medicine and Public Health Preparedness* 2012; 6(4):393-401.
53. Bartels S, Kelly J, Scott J, Leaning J, Mukwege D, Joyce N, Vanrooyen M. "Militarized sexual violence in South Kivu, Democratic Republic of Congo." *J Interpers Violence* 2012; 28(2):340-58.
54. Yamin AE, Boulanger VM, Falb KL, Shuma J, Leaning J. "Costs of inaction on maternal mortality: Qualitative evidence of the impacts of maternal deaths on living children in Tanzania." *PLoS ONE* 2013; 8(8): e71674. doi:10.1371/journal.pone.0071674.
55. Brophy-Williams S, Segaren N, Leaning J. Digital technology in humanitarian response: Harnessing information to support best outcomes. In: *World Disaster Report 2013*. Geneva. International Federation of the Red Cross and Red Crescent Societies; 2013:163-193.
56. Dougherty S, Leaning J, Greenough G, Burkle F. Hunger strikers: Ethical and legal dimensions of medical complicity in torture at Guantanamo Bay. *PDM* 2013;28(6):1-9.
57. Leaning J, Guha-Sapir D. Disasters, armed conflict and public health. *N Engl J Med* 2013; 369:1836-1842.
58. Ottersen O, Dasgupta J, Blouin C, Buss P, Chongsuvivatwong V, Frenk J, Fukuda-Parr S, Gawanas BP, Giacaman R, Gyapong J, Leaning J, Marmot M, McNeill D, Mongella GI, Moyo N, Møgedal S, Ntsaluba A, Ooms G, Bjertness E, Lie AL, Moon S, Roalkvam S, Sandberg KI, Scheel I. The political origins of health inequity: prospects for change. *Lancet* 2014, 383(9917): 630-667. doi:10.1016/S0140-6736(13)62407-1.

59. Balsari S, Leaning J, Onnela JP, Khanna T. Mapping Ebola. *Emergency Physicians International* 2014; 15:31-33.
60. Moucheraud C, Worku A, Molla M, Finlay J, Leaning J, Yamin A. Consequences of maternal mortality on infant and child survival: a 25-year longitudinal analysis in Butajira Ethiopia (1987-2011). *Reproductive Health* 2015; 12(Suppl 1): S4.
61. Yamin A, Bazile J, Knight L, Molla M, Maistrellis E, Leaning J. Tracing Shadows: How Gendered Power Relations Shape the Impacts of Maternal Death on Living Children in Sub Saharan Africa. *Social Science Medicine* 2015; 135:143-150.

Books, Book Chapters and Monographs:

1. Link JL. Review of *The woman patient: Volume I*. *Soc Sci and Med* 1979;13A:830.
2. Leaning J, Keyes L. Introduction. In: Leaning J, Keyes L, eds. *The counterfeit ark: Crisis relocation for nuclear war*. Cambridge: Ballinger; 1984: xvii-xxv.
3. Leaning J, Keyes L. The singularity of nuclear war: Paradigms of disaster planning. In: Leaning J, Keyes L, eds. *The counterfeit ark: Crisis relocation for nuclear war*. Cambridge: Ballinger; 1984: 3-23.
4. Leaning J. An Ill Wind: Radiation consequences of nuclear war. In: Leaning J, Keyes L, eds. *The counterfeit ark: Crisis relocation for nuclear war*. Cambridge: Ballinger; 1984; 183-230.
5. Leaning J. Civil defense in the nuclear age: What purpose does it serve and what survival does it promise? In: Cassel C, McCally M, Abraham H, eds. *Nuclear weapons and nuclear war: A source book for health professionals*. New York: Praeger; 1984: 406-37.
6. Leaning J. Civil defense planning for nuclear war. In: Manni C, Magalini SI, eds. *Emergency and Disaster Medicine*. Berlin: Springer-Verlag, 1985: 87-94.
7. Leaning J. Review of WHO report: Effects of nuclear war on health and health services. *Environmental Impact Assessment Review* 1986;9:99-103.
8. Leaning J. Burn and blast casualties: Triage in nuclear war. In: Solomon F, Marston RQ, eds. *The medical implications of nuclear war*. Washington, DC: Institute of Medicine, National Academy Press, 1986: 251-83.
9. Leaning J. Health consequences of radiation exposure and issues of emergency evacuation. Report for the Attorney General. Commonwealth of Massachusetts; 1987.
10. Leaning J. The Arab uprising in Israel: How a medical emergency transcended political hostilities. *Radcliffe Quarterly* 1988; 74:5-7.
11. Geiger HJ, Leaning J, Shapiro L, Simon B. *Casualties of conflict: Report on the medical fact-finding mission to the West Bank and Gaza*. Boston: Physicians for Human Rights, 1988.

12. Leaning J, Barron RA, Rumack BH. Bloody Sunday: Trauma in Tbilisi. The events of April 9, 1989 and their aftermath. Boston: Physicians for Human Rights, 1990.
13. Leaning J, Lewis D. The future of FEMA (Federal Emergency Management Agency). JEMS 1991 Mar;16(3):11-5.
14. Leaning J. A venture and a new beginning. The PSR Quarterly 1991;1:1-3.
15. Leaning J. Physicians and war: Limits and responsibilities. The PSR Quarterly 1991;1:65-8.
16. Leaning J. The third culture. The PSR Quarterly 1991;1:123-6.
17. Leaning J. December 1991. The PSR Quarterly 1991;1:175-6.
18. Sidel VS, Onel E, Geiger HJ, Leaning J, Foege W. Public health response to natural and human-made disasters. In: JM Last, RB Wallace, eds. Public health and preventive medicine. Maxcy-Rosenau-Last, 13th ed. Norwalk: Appleton-Lange, 1991: 1173-86.
19. deWaal A, Leaning J. No mercy in Mogadishu: The human cost of the conflict and the struggle for relief. Boston: Physicians for Human Rights; March 26, 1992.
20. Siu AL, McGlynn EA, Beers MA, Morgenstern H, Carlisle DM, Keeler EB, Brook RH, Beloff J, Curtin K, Leaning J, Perry BC, Sellar HP, Weiswasser W, Wiesenthal A. Choosing quality of care measures based on the expected impact of improved care on health. Health Serv Res. 1992 Dec;27(5):619-50.
21. Leaning J. To make future wars impossible. In: Miller D, Pouillard J, eds. The relevance of Albert Schweitzer at the dawn of the 21st century. Lanham: University Press of America, 1992: 17-24.
22. Leaning J. Two tears for democracy. The PSR Quarterly 1992;2:65-6.
23. Leaning J. Butterflies and the millennium. The PSR Quarterly 1992;2:127-9.
24. Leaning J. Miles to go. The PSR Quarterly 1993;3:1-2.
25. Leaning J. Tracking the pale horse. The PSR Quarterly 1993;3:55-7.
26. Leaning J. War and the environment: Human health consequences of environmental damage of war. In: Chivian E, McCally M, Hu H, Haines A, eds. Critical Condition: Human health and the environment. Cambridge: MIT Press, 1993: 123-37.
27. Leaning J. Somalia 1992: When the system didn't work. In: Cahill K, ed. A framework for survival: Health, human rights, and humanitarian assistance in conflicts and disasters. New York: Basic Books, 1993: 103-20. (Re-issued and updated in 1999.)
28. Pierce C, Geiger HJ, Leaning J, Kirschner R, Hiltermann J. Human rights on hold: A report on emergency measures and access to health care in the Occupied Territories 1990-1992. Boston: Physicians for Human Rights; 1993.

29. Leaning J. Health consequences to Essex County in the event of a serious accident at Fermi II. In: Hutchinson W, Meleg M, Disch H, eds. *Without borders: The consequences of a severe accident at Fermi II*. Ontario: Iler Research Institute, 1993: 87-110.
30. Leaning J. "German doctors and their secrets." *The New York Times*. February 6, 1993.
31. Bosner L, Pretto E, Carmona R, Leaning J. Catastrophic events. In: Kuehl A, ed. *Pre-hospital systems and medical oversight*. St. Louis: C.V. Mosby, 1994: 447-53.
32. Leaning J. Lest things fall apart. *Medicine and Global Survival* 1994;1:1.
33. Leaning J. Alarms worth heeding. *Medicine and Global Survival* 1994;1:62-3.
34. Leaning J. The bell tolls. *Medicine and Global Survival* 1994;1:122-3.
35. Leaning J. Lessons and legacies. *Medicine and Global Survival* 1995;2:2-3.
36. Leaning J. The presence of the past. *Medicine and Global Survival* 1995;2:66-7.
37. Leaning J. TMI emergency planning project: Key issues in planning the early medical response. In: Golding D, Kasperson JX, Kasperson RE, eds. *Preparing for nuclear power plant accidents*. Boulder: Westview Press, 1995: 213-35.
38. Leaning J. Review of *Medicine betrayed: The participation of doctors in human rights abuses*. *Health and Human Rights* 1996;2:141-4.
39. Leaning J. Review of clinical risk management. *BMJ* 1996;313:1315-16.
40. Leaning J. Human security and ethical issues in disasters and complex humanitarian emergencies. In: Kita E, ed. *Final report of the research project on a study on the health and prospective medical assistance for affected persons*. Tokyo: Ministry of Health and Welfare, 1996: 63-78.
41. Leaning J. War crimes and medical science. *BMJ* 1996;313:1413-15.
42. Leaning J. Human rights and medical education. *BMJ* 1997;315:1390-91.
43. Leaning J, Sollom R, Austin K. *Human rights abuses in the Great Lakes region*. Boston: Physicians for Human Rights; 1997.
44. Leaning J, Sollom R. *State of human rights discourse in Russia*. Boston: Physicians for Human Rights; 1997.
45. Leaning J. The power of many. *Medicine and Global Survival* 1998;1:2-3.
46. Leaning J. Review of war and public health. *Medicine and Global Survival* 1998;1:57-9.
47. Leaning J. The end of the transition. *Medicine and Global Survival* 1998;2:66-7.
48. Leaning J. Medicine and international humanitarian law. *BMJ* 1999;319:393-4.

49. Leaning J. Kosovo through the lens of human rights. *Medicine and Global Survival* 1999;6:2-3.
50. Iacopino V, Frank MW, Keller AS, Fink SL, Pallin DJ, Waldman R, Ford D, Burkhalter H, Ayotte B, Cohen A, Barron RA, Leaning J, Keough ME. War crimes in Kosovo: A population-based assessment of human rights violations against Kosovar Albanians. Boston: Physicians for Human Rights; 1999.
51. Leaning J. Threats and possibilities a decade further along. *Medicine and Global Survival* 2000;6:68-9.
52. Leaning J. Tracking the four horsemen: The public health approach to the impact of war and war-induced environmental destruction in the twentieth century. In: Austin J, Bruch C, eds. *The Environmental Consequences of War*. Cambridge: Cambridge University Press, 2000: 384-401.
53. Leaning J. Report to MSF Holland: Recommendations for Incorporating Attention to Human Rights in MSF Rapid Health Assessment Manual. François-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health, Boston, 2000.
54. Leaning J. Health and Human Rights. *BMJ* 2001;322:1435-36.
55. Leaning J, Arie S. Human security: A framework for analysis in settings of crisis and transition. Working Paper Series 11/8. Cambridge: Harvard Center for Population and Development Studies; 2001.
56. Holleufer G, Briton N, Leaning J. Report on People in War. Overview and country reports prepared for the International Committee of the Red Cross. Boston: Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health; 2001.
57. Leaning J. Identifying precursors. In: Rittner C et al, eds. *Will genocide ever end?* St. Paul: Paragon House, 2002: 117-22.
58. Leaning J, Fine J, Garfield, R. Conflict monitoring. In: Reader A, Taipale I et al, eds. *War or health?* New York: Zed Books, 2002: 510-19.
59. Leaning J. Review of La Tendresse. *BMJ* 2002;325:908.
60. Leaning J. An end to evasion: America's role in a century of genocide. Review of *A problem from hell: America and the age of genocide*. *Harvard Magazine* 2002 Sep-Oct:26-31.
61. Sites E, Leaning J. Human security in Angola: A retrospective study. Prepared for USAID (Africa Bureau)/Tulane CERTI. Program on Humanitarian Crises, FXB Center for Health and Human Rights, Harvard School of Public Health. December 2002.
62. Salama P, Leaning J, Borrel A. Responding to the public health crisis in Afghanistan. In: B Levy & V. Sidel, eds. *Terrorism and Public Health: A Balanced Approach to Strengthening Systems and Protecting People*. New York: Oxford University Press, 2003: 136-52.

63. Leaning J, Arie S, Holleufer G, Bruderlein C. Conflict and human security. In: Chen L, Leaning J, Narasimhan V, eds. *Global health challenges for human security*. Cambridge: Global Equity Initiative, Asia Center, Harvard University, 2003:13-30.
64. Lautze S, Aklilu Y, Raven-Roberts A, Young H, Kebede G Leaning J. Risk and vulnerability in Ethiopia: Learning from the past, responding to the present, preparing for the future. A report for United States Agency for International Development. Medford and Boston: Feinstein International Famine Center and Inter-University Initiative on Humanitarian Studies and Field Practice; 2003.
65. Faust DG, Leaning J. The rights of the dead, the needs of the living. *Chronicle of Higher Education* May 2003;49:36.
66. Heffernan J, Leaning J. Secrets of an Afghan grave. *International Herald Tribune* February 9, 2004.
67. Gingerich T, Leaning J. The use of rape as a weapon of war in the conflict in Darfur, Sudan. Boston: United States Agency for International Development; 2004.
68. Heffernan J, Leaning J, VanRooyen M, Tuller D, Sirkin S, Johnson K, Hirschfeld K, Lowenstein A. . Assault on survival in Darfur: A call for security, justice and restitution. Cambridge: Physicians for Human Rights; 2005.
69. Leaning J. Genocide in Darfur. In: Apfel J and Fein H, eds. *Casebook on genocide*. New York: Society of Genocide Scholars; 2005.
70. Hill K, Seltzer W, Leaning J, Malik SJ, Russell SS. "The Demographic Impact of Partition: The Punjab in 1947." Weatherhead Center Working Paper 06-08, 2006.
71. Greenough G, Bartels S, Cavey A, Chan J, Cranmer H, Kendrick D, Lappi M, Leaning J, Robinson C, Singh M, VanRooyen M, Vu A. Report to ARC Disaster Health Services: American Red Cross and public health: The response to Hurricane Katrina and beyond. 2006, Mar. Operation DR # 865.
72. Leaning J. The brutality of war. In: Levy B and Sidel V. *War and Public Health*. London: Oxford University Press, 2007: 6-8.
73. Leaning J. The crime of genocide: The case of Darfur. In: Pizer H, Beyer C, eds., *Public health and human rights: Evidence-based approaches*. Johns Hopkins University Press, Baltimore, MD, 2007: 202-221.
74. Leaning J. Book review of *Tears of the Desert*, by Halima Bashir. *Ms. Magazine*, Fall 2008, 71.
75. Leaning J. Disasters and emergency planning. In: Heggenhougen K, Quah S, eds. *International encyclopedia of public health*. Elsevier, 2008: 204-215.
76. Leaning J. Human security. In Green M, ed. *Risking human security: Attachment and public life*. London: Karnac Books, 2008: 125-149.
77. Hirschfeld K, Leaning J, Crosby S, Piwowarczyk L, VanRooyen J, Greenough G, Bartels S, Fricke A, Sirkin S, Black L, Iacopino V, Lanigan K. Nowhere to turn: Failure to protect, support and assure

justice for Darfuri women. Physicians for Human Rights and Harvard Humanitarian Initiative. Cambridge, MA, May 2009.

78. Leaning J, Rubenstein L, Jaha L, Pott H. Perilous medicine: The legacy of oppression and conflict on health in Kosovo. Physicians for Human Rights. Cambridge, MA, June 2009.
79. Leaning J. Health and human security in the twenty-first century. In: Brauch H. Facing global environmental change. New York, NY: Springer Verlag, 2009: 541-552.
80. Leaning J, Bartels S, Mowafi H. Sexual violence during war and forced migration. In: Martin SF and Tirman J eds. Women, migration and conflict. Springer Sciences + Business Media B.V., 2009: 173-199.
81. Leaning J. Use of patterns in crisis mapping. In: Rotberg R, ed. Mass atrocity crimes: Preventing future outrages. Washington, DC: Brookings Institution Press, 2010: 192-291.
82. Leaning J, Meier P. Applying technology to crisis mapping and early warning in humanitarian settings. Working Paper, Harvard Humanitarian Initiative. Cambridge, MA, 2010.
83. Leaning J. Public health equity in refugee and other displaced persons settings. United Nations High Commissioner for Refugees. April 2010. <http://www.unhcr.org/4bdfe1699.pdf>. 52 pages.
84. Leaning J. A public health approach to warfare. In: Machlis GE, Hanson T, Spiric Z, McKendry J, eds. Warfare ecology: A new synthesis for peace and security. NATO Science for Peace and Security Series C: Environmental Security. Springer Sciences + Business Media B.V., 2011:133-154.
85. Leaning J. Enforced displacement of civilian populations in war: A potential new element in crimes against humanity. International Criminal Law Review. 2011 July, 11:445-462.
86. Chen L, Leaning J. Letter in support of Richard Horton. The Lancet. 2014 August, 384(9944).
87. Balsari S, Abisaab J, Hamill K, Leaning J. Syrian refugee crisis: when aid is not enough. The Lancet. 2015 March.
88. Yudkin J, Leaning J. Politics, medical journals, the medical profession and the Israel lobby. British Medical Journal 2015; 350.

Development and/or publication of educational materials

1. Link JL. Evaluation of pre-test population questionnaire administered in rural Taiwan. U.S. Agency for International Development, September, 1969.
2. Link JL, et al. The Mid-South Health Plan. Report to the Board of Directors of the Mid-Southside Health Planning Organization and to the Office of Economic Opportunity, Chicago, 1971.
3. Link JL. Report of site visit to Salem Hospital Emergency Service. Submitted to Salem Hospital Board of Directors, February, 1978.
4. Leaning J. Civil defense in the nuclear age. Testimony presented to the Committee on Foreign Relations, U.S. Senate. Record of hearings on U.S. and Soviet civil defense programs, March 16 and 31, 1982.

5. Leaning J. European civil defense planning. Testimony presented to the House Oversight Committee, Subcommittee on Environment, Energy, and Natural Resources, U.S. House of Representatives. Record of hearings, April 22, 1982.
6. Daley W, Leaning J, et al. Emergency telephone triage manual. Harvard Community Health Plan Emergency Service. 1986. Used Regionally.
7. Leaning J. Analysis of current civil defense plan. Testimony presented to the House Armed Services Subcommittee on Military Installations and Facilities. U.S. House of Representatives. Record of Hearings, March 27, 1987.
8. McCally M, Forrow L, Leaning J. Medicine and nuclear war: a model curriculum. Cambridge: International Physicians for the Prevention of Nuclear War; 1988.
9. Leaning J. The Future of FEMA. Testimony presented to the Senate Committee on Governmental Affairs. U.S. Senate. Record of Hearings, August 1, 1990.
10. Leaning J. Human rights abuses in the Great Lakes region. Testimony presented to the House Committee on International Relations. U.S. House of Representatives. Record of Hearings, July 16, 1997.
11. Leaning J. Human rights abuses in Kosovo. Testimony presented to the Human Rights subcommittee of the Senate Foreign Relations Committee. U.S. Senate. Record of Hearings, January 7, 1999.
12. Leaning J. Human rights abuses in Kosovo. Testimony presented to the Human Rights subcommittee of the House Committee on International Relations. U.S. House of Representatives. Record of Hearings, April 6, 1999.
13. Leaning J. Kosovo case study. Crimes of War, May 2001.
14. Leaning J. Physicians and war. BMJ 2002;324(9 Feb) web supplement. <http://www.bmj.com/content/suppl/2002/02/07/324.7333.DC2>
15. Leaning J. The role of academic centers in public health preparedness. Testimony presented to the Massachusetts Senate Post Audit and Oversight Committee. Massachusetts State House, Boston. September 9, 2003.
16. Leaning J. Report of the Dean's Advisory Committee on sexual assault at Harvard. Submitted to Faculty of Arts and Sciences Spring 2003.
17. Leaning J, Greenough P G, VanRooyen M. Report to the UN Office of the Special Envoy for Tsunami Recovery. A commissioned assessment for the UN Special Envoy: Evaluation methods that contributed to the final report issued by the Special Envoy. December 2006.
18. Leaning J. Rape in Darfur: Estimates and Patterns 2003-2005. Commissioned report for the Office of the Prosecutor, The International Criminal Court, The Hague. January 2007.
19. Leaning J. Report of the Radcliffe Institute Expert Working Seminar Series on Post-colonial wars. March 2007.
20. Kelly J, VanRooyen M, Leaning J, Kragin W. Characterizing Sexual Violence in the Democratic Republic of the Congo: Profiles of Violence, Community Responses and Implications for the Protection of Women. Open Society Institute and Soros Foundation Network. September 2009.

Non-print materials

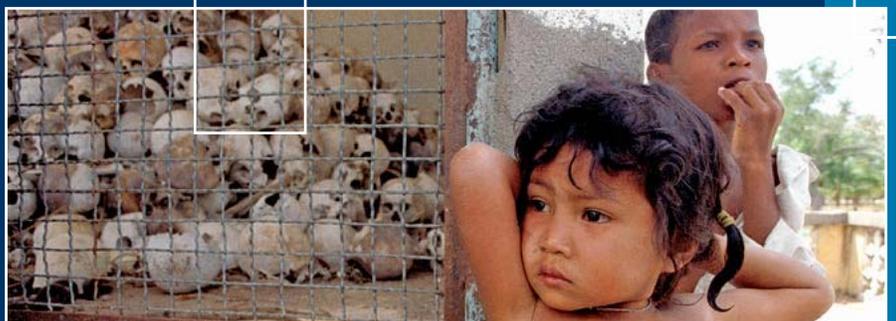
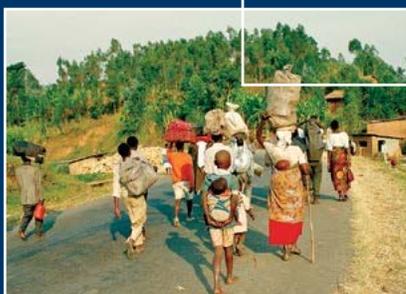
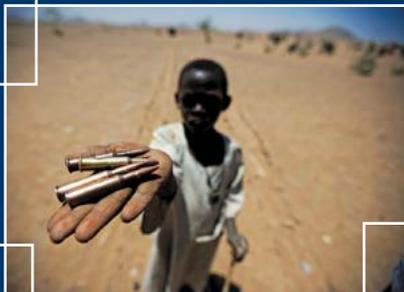
1. Link JL. Emergency management of asthma [videocassette]. Boston: Massachusetts General Hospital; 1978.
2. Leaning, J. Twenty-four hours for Darfur. 2007: Genocide Intervention Network. Web-based interview.
3. Leaning, J. Darfur experience. United States Holocaust Memorial Museum, 2009. Video interview ran in the main hall of the museum.

Exhibit B

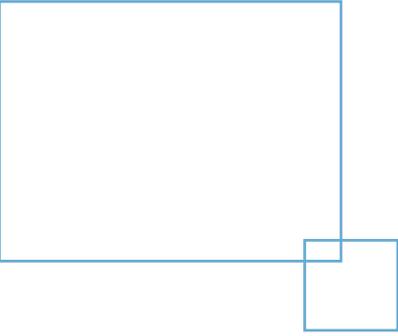


Framework of Analysis for ATROCITY CRIMES

A tool for prevention

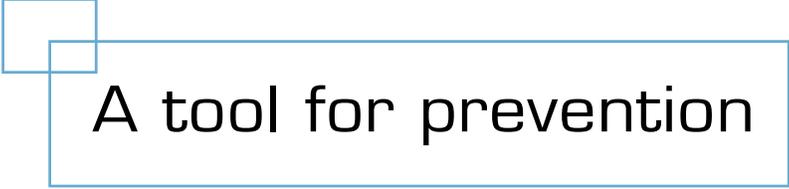


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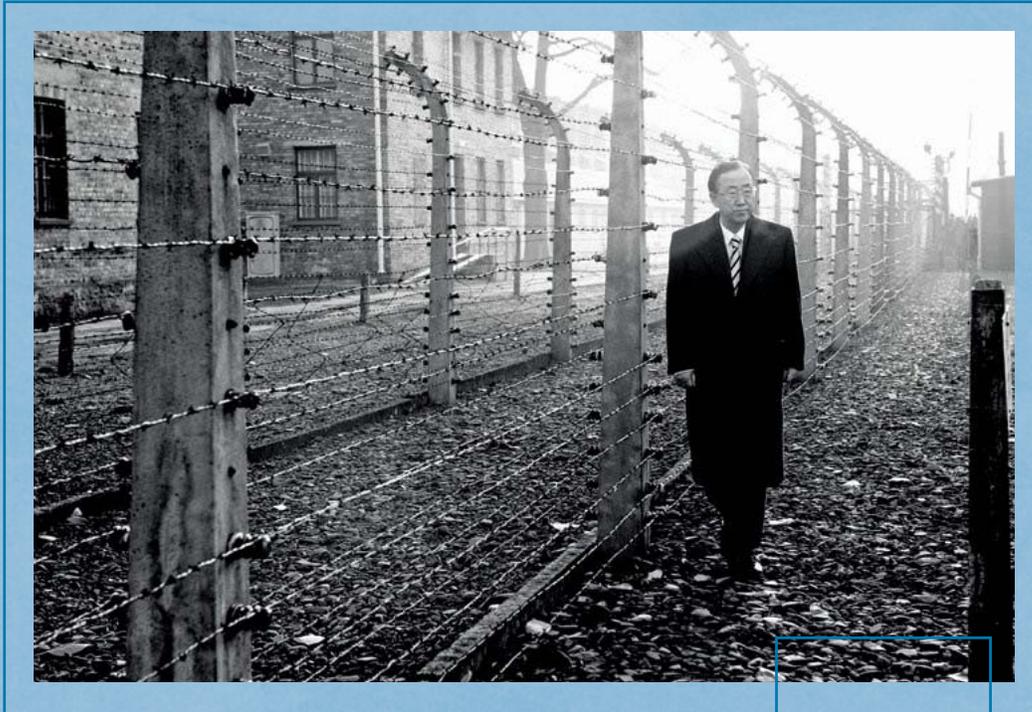


Framework of Analysis

for **ATROCITY CRIMES**



A tool for prevention



Secretary-General Ban visits Auschwitz-Birkenau, Poland
UN Photo/Evan Schneider

Cover photos (counter-clockwise from top):

Santa Cruz massacre 17th anniversary march, Dili, *UN Photo/Martine Perret*

A woman testifies in the trial of former Guatemalan military dictator, *Photo © Elena Hermosa/Trocaire, licensed under Creative Commons Attribution 2.0 Generic license*

A woman mourns at the Srebrenica-Potocari memorial and cemetery, *AP Photo/Marko Drobnjakovic*

Darfur village abandoned after heavy clashes, *UN Photo/Albert González Farran*

Rwandan refugees returning from Goma, *UN Photo/John Isaac*

Young children at the "Killing Fields" memorial in the outskirts of Phnom Penh, *UN Photo/John Isaac*

Foreword

by the Secretary-General of the United Nations

All of us have a responsibility to ask ourselves what we can do to protect populations from the most serious international crimes: genocide, crimes against humanity and war crimes. These crimes continue to be perpetrated in many places across the world. Although calls for accountability are now the norm when such crimes are committed, impunity is all too common. We can and must do more, much earlier, to save lives and prevent societies from collapsing and descending into horrific violence.

The first thing we can do is to be more alert and pay attention to the warning signs. Atrocity crimes take place on a large scale, and are not spontaneous or isolated events; they are processes, with histories, precursors and triggering factors which, combined, enable their commission.

My Special Advisers on the Prevention of Genocide and on the Responsibility to Protect have developed this Framework of Analysis for the Prevention of Atrocity Crimes as a guide for assessing the risk of genocide, crimes against humanity and war crimes. With the help of the Framework, we can better sound the alarm, promote action, improve monitoring or early warning by different actors, and help Member States to identify gaps in their atrocity prevention capacities and strategies.

I am pleased to present this Framework at a time when the United Nations is undergoing a system-wide revision of the way we respond to situations where serious violations of international human rights and

humanitarian law are happening or could happen. Through the “Human Rights Up Front” initiative, we are committed to upholding the promise of “never again” and drawing lessons from past failures. In practice, it means putting human rights, the protection of populations and the prevention of atrocity crimes at the centre of our work.

As affirmed at the 2005 World Summit, States have the primary responsibility for protecting their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has committed to support each State in this endeavour and, should States manifestly fail in meeting their responsibilities, to take collective action in a timely and decisive manner in line with the United Nations Charter.

I therefore urge the widest possible use of this Framework to support prevention strategies at the national, regional and international levels. Prevention means acting early; to do that, we need to know what to look for. Together with a commitment to accountability, we owe this to the millions of victims of the horrific international crimes of the past — and those whose lives we may be able to save in the future.

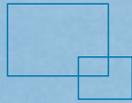


BAN Ki-moon

*United Nations Secretary-General
July 2014*

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Atrocity crimes are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings.



I. INTRODUCING THE FRAMEWORK OF ANALYSIS

What do we mean by atrocity crimes?

The term “atrocity crimes” refers to three legally defined international crimes: **genocide**, **crimes against humanity** and **war crimes**. The definitions of the crimes can be found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions¹ and their 1977 Additional Protocols,² and the 1998 Rome Statute of the International Criminal Court, among other treaties.³

In the 2005 World Summit Outcome Document (paragraphs 138 and 139), United Nations Member States made a commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, a principle referred to as the “Responsibility to Protect”. In this context, the term “atrocity crimes” has been extended to include **ethnic cleansing** which, while not defined as an independent crime under international law, includes acts that are serious violations of international human rights and humanitarian law that may themselves amount to one of the recognized atrocity crimes, in particular crimes against humanity.⁴

¹ The Geneva Conventions comprise the 1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the 1949 Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; the 1949 Geneva Convention (III) relative to the Treatment of Prisoners of War; and the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War.

² The Additional Protocols comprise the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

³ For definitions of each of the crimes, consult Annex I.

⁴ For possible definitions of ethnic cleansing, consult Annex I.

Who are the victims of atrocity crimes?

Atrocity crimes are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings, in particular the persons that should be most protected by States, both in times of peace and in times of war. However, the victims targeted by acts of genocide, crimes against humanity and war crimes differ.

Genocide, according to international law, is a crime committed against members of a national, ethnical, racial or religious group. Even though the victims of the crimes are individuals, they are targeted because of their membership, real or perceived, in one of these groups. When speaking about potential victims of genocide, the Framework will refer to them as “**protected groups**”.

Crimes against humanity encompass acts that are part of a widespread or systematic attack directed against any civilian population. Even if non-civilians might also become victims of the attack, for an act to be considered a crime against humanity, the ultimate target of the attack must be the civilian population. When speaking about potential victims of crimes against humanity, the Framework will refer to them as a “**civilian population**”.

War crimes can be committed against a diversity of victims, either combatants or non-combatants. In international armed conflicts, victims include those specifically protected by the four 1949 Geneva Conventions, i.e., (1) the wounded and sick in armed forces in the field; (2) the wounded, sick and shipwrecked members of armed forces at sea; (3) prisoners of war; and (4) civilian persons. It also includes those protected under

the 1977 Additional Protocol I. In the case of non-international armed conflicts, common Article 3 of the four 1949 Geneva Conventions affords protection to “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause”. It also includes those protected under the 1977 Additional Protocol II. Protection under international humanitarian law in both types of conflicts covers medical and religious personnel, humanitarian workers and civil defence staff. When speaking about potential victims of war crimes, the Framework will refer to them as “**those protected under international humanitarian law**”.

Due to the diversity of types of victims of the three crimes, when speaking broadly about potential victims of atrocity crimes as protected by international law, the Framework will refer to them as “**protected groups, populations or individuals**”.

Why is it important to prevent atrocity crimes?

One of the principal roles of the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect is to mobilize action for the prevention of atrocity crimes. The first and most compelling reason for this focus is the imperative to **preserve human life**. Atrocity crimes are, for the most part, large-scale events that, if prevented, will avoid significant loss of human life, as well as physical, psychosocial and psychological damages and trauma. However, there are also other significant reasons to focus on prevention.

Atrocity crimes tend to occur in countries with some level of instability or crisis. Consequently, measures taken to prevent these crimes are likely to contribute to **national peace and stability**. Prevention also serves the larger agenda of **regional and international peace and stability**. Atrocity crimes and their consequences can spill over into neighbouring countries by, for example, creating or reinforcing tensions between groups that are defined along religious or ethnic lines rather than by national borders. The United Nations

Security Council has stated in several of its resolutions that serious and gross breaches of international human rights and humanitarian law constitute threats to international peace and security. The preamble to the Rome Statute of the International Criminal Court also states that international crimes “threaten the peace, security and well-being of the world”.

A further key reason for focusing on the prevention of atrocity crimes lies in the fact that prevention is **much less costly** than intervening to halt these crimes, or dealing with their aftermath. Wars, humanitarian crises, the rebuilding of nations and the building of sustainable peace after conflict require high and sustained levels of international support, often over many years. The political cost and challenges of early engagement by the international community are also less than when crises are imminent or ongoing, by which time options for preventive action are much more limited and there is a greater likelihood of political stalemate and failure.

Finally, by taking measures to prevent atrocity crimes and fulfilling their primary responsibility to protect, **States reinforce their sovereignty** and reduce the need for more intrusive forms of response from other States or international actors. As the United Nations Secretary-General has emphasized, the principle of the Responsibility to Protect is designed to be an ally of sovereignty, rather than to undermine it. Efforts by States to prevent atrocity crimes from being committed within their own borders are another way of fulfilling their sovereign responsibilities.

Is there a legal responsibility to prevent atrocity crimes?

Apart from the moral and ethical responsibility that we all have to protect populations at risk of atrocity crimes, both individually and collectively, there are also **well-established legal obligations** to do so. Such obligations can be found in the Convention on the Prevention and Punishment of the Crime of Genocide, in international human rights and humanitarian law and in customary international law. International courts and tribunals have also cited these obligations and clarified their specific content.

The responsibilities that fall on States through ratified treaties or customary law entail an obligation not only to punish atrocity crimes but also to prevent them. In some cases, such as for the crime of genocide, the obligation to prevent contained in the **Convention on the Prevention and Punishment of the Crime of Genocide** (Article I) has become a norm of customary international law, which means that it is mandatory for all States, regardless of whether they have ratified the Convention. The obligation to “respect and ensure respect for international humanitarian law”, as contained in common Article 1 of the **Geneva Conventions**, is also considered to be a norm of customary international law. This provision can be interpreted as including an obligation to prevent violations of international humanitarian law, including war crimes.

International human rights law also places obligations on State Parties to take steps to prevent the acts it seeks to prohibit. For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifies in Article 2 that State Parties “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture”. When part of a widespread or systematic attack against a civilian population, torture can constitute a crime against humanity.

On 27 February 2007 the **International Court of Justice** issued an important judgment in the *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro). The Court stated that the obligation “to prevent” within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide imposed an obligation that was not territorially limited. According to the Court, every State with a “capacity to influence effectively the action of persons likely to commit, or already committing genocide,” even if outside its own borders, is under the obligation “to employ all means reasonably available to them, so as to prevent genocide so far as possible”.

The **principle of the Responsibility to Protect**, which reaffirms the primary responsibility of the State to

protect its population from atrocity crimes, is founded on all these legal obligations and interpretations. Paragraph 138 of the 2005 World Summit Outcome Documents specifies that States have a responsibility to prevent the commission of genocide, war crimes, ethnic cleansing and crimes against humanity, as well as incitement to these acts. Paragraph 139 goes on to underline the responsibility of the international community to prevent atrocity crimes by helping States to build capacity to protect their populations and assisting States under stress “before crisis and conflicts break out”. When States “manifestly fail” in their responsibility to protect populations from atrocity crimes, the international community has also declared that it is prepared to take collective action, in a “timely and decisive manner”, to protect populations from these crimes, using all available tools, and bearing in mind the principles of the United Nations Charter and international law.


As the United Nations Secretary-General has emphasized, the principle of the Responsibility to Protect is designed to be an ally of sovereignty, rather than to undermine it.

How can atrocity crimes be prevented?

Preventing genocide, war crimes, ethnic cleansing and crimes against humanity is primarily the responsibility of individual States. Prevention is an ongoing process that requires sustained efforts to **build the resilience of societies to atrocity crimes** by ensuring that the rule of law is respected and that all human rights are protected, without discrimination; by establishing legitimate and accountable national institutions; by eliminating corruption; by managing diversity constructively; and by supporting a strong and diverse civil society and a pluralistic media. Failure by the State to provide such protection and guarantees to its population can create an environment conducive to atrocity crimes. In such cases, prevention involves efforts to halt a likely course of events.

Atrocity crimes are not usually single or random events. Instead, they tend to develop in a dynamic process that offers entry points for action to prevent

their occurrence. To be able to engage in the level of violence associated with atrocity crimes, perpetrators need time to develop the capacity to do so, mobilize the resources, and take concrete steps that will help them to achieve their objectives. This does not mean that an overt plan to commit atrocity crimes will always exist from the onset of the process. In some past cases of genocide, for example, the intent to destroy a group was formulated at a later stage of the violence.

However, as atrocity crimes are processes, it is possible to identify warning signs or indicators that they might occur. This is particularly true in the case of genocide and crimes against humanity. If we **understand the root causes and precursors** of these crimes, and can **identify risk factors** that can lead to or enable their commission, it follows that we can also **identify measures that can be taken by States and the international community** to prevent these crimes.

The earlier the risk factors are identified, the greater the opportunities for early prevention. As times goes on, preventive action becomes more difficult and more costly. If, for example, the motivation behind increased violence against a particular group is recognized at an early stage, it will be possible for the State or the international community to develop strategies aimed at addressing and defusing this motivation. However, if atrocity crimes are already occurring, the options available to respond will be very limited and, in some cases, may require the use of coercive measures including, if all peaceful means fail, the use of force.

What are the roles of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect?

The United Nations Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, who have distinct but complementary mandates, work together to **advance national and international efforts to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement.**

The Special Adviser on the Prevention of Genocide acts as an early warning mechanism by alerting the United Nations Secretary-General and, through him, the Security Council to situations where there is a risk of genocide and presenting recommendations. The Special Adviser also advocates and mobilizes the United Nations system, Member States, regional arrangements and civil society for appropriate preventive action. Working under the overall guidance of the Special Adviser on the Prevention of Genocide, the Special Adviser on the Responsibility to Protect leads the conceptual, political, institutional and operational development of the Responsibility to Protect principle and its implementation by the United Nations, Member States, regional arrangements and civil society.

The Special Advisers are supported by a joint office, the Office on Genocide Prevention and the Responsibility to Protect (the Office). The Office collects information and conducts assessments of situations worldwide that could potentially lead to atrocity crimes or their incitement. The Office also works to build the capacity of United Nations, Member States, regional and sub-regional organizations and civil society through training and technical assistance to strengthen prevention, early warning and response capacity; to promote a greater understanding of the causes and dynamics of atrocity crimes and of the measures that could be taken to prevent them; and to raise awareness among States and other actors about their responsibility to protect.

It is worth noting that there are **other United Nations departments and institutions with mandates that are relevant to the prevention of atrocity crimes.**

These include the Department of Political Affairs (DPA), through its work on conflict prevention and peaceful resolution; the Department of Peacekeeping Operations (DPKO), through its work on the protection of civilians; the Office of the United Nations High Commissioner for Human Rights (OHCHR), which takes the lead on the promotion and protection of human rights; the Office of the United Nations High Commissioner for Refugees (UNHCR), through its work on the protection of uprooted or stateless people; the United Nations Development Programme (UNDP), through its work to promote the rule of law

and support democratic governance and crisis prevention initiatives; and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), through its coordination work among humanitarian actors with the aim of reducing the impact of conflict. The United Nations human rights monitoring mechanisms, such as the human rights treaty bodies and the Human Rights Council's special procedures, can also play an important early warning role.

What is the Framework of Analysis?

In 2009, the then Office of the Special Adviser on the Prevention of Genocide developed a framework of analysis to support the assessment of the risk of the crime of genocide from an early warning perspective. However, with the subsequent expansion of the Office's responsibilities to also support the work of the Special Adviser on the Responsibility to Protect, there was a need to develop a framework that could be used to analyse not only the risk of genocide but also the risk of crimes against humanity, war crimes and ethnic cleansing. In addition, new dynamics and a better understanding of the processes of atrocity crimes prompted the need for a revision of the elements included in the initial framework.

The present Framework replaces the previous document and provides an **integrated analysis and risk assessment tool for atrocity crimes**. The revision also reflects recent developments and new research into the processes that lead to those crimes. It was subject to consultations within and outside the United Nations system. The result is a Framework that serves as a working tool for the assessment of the risk of atrocity crimes in all parts of the world and in identifying those countries most at risk.

To be effective, assessments require the systematic collection of accurate and reliable information based on the risk factors and indicators that the Framework identifies. The broad risk factors and the more specific indicators reflect definitions of the crimes in international law, case law from the work of international courts or tribunals, and empirical analysis of past and present situations.

Given the absence of a conceptual definition common to all war crimes, such as that which exists for genocide and crimes against humanity, the Framework focuses only on war crimes that have an impact on the protection of human life, this being the primary objective of preventive action. In addition, given the focus of the Responsibility to Protect principle on the protection of populations from the most serious violations of international human rights and humanitarian law, the Framework covers war crimes that assume a more systematic or widespread pattern of conduct. Finally, given that ethnic cleansing does not have a distinct legal definition as an international crime, but includes acts that can constitute other atrocity crimes or elements of them, it has been integrated into the analysis of the risk factors for those crimes.

This Framework is a public document. The Office encourages and welcomes its use by international, regional and national actors as a tool either for early warning mechanisms, or for other mechanisms used for monitoring, assessment and forecasting. In addition, the Office recommends that Member States use the Framework to help identify both areas of success as well as gaps in atrocity prevention capacities and strategies at the national level.

What are risk factors and indicators?

Risk factors are conditions that increase the risk of or susceptibility to negative outcomes. Those identified in this framework include behaviours, circumstances or elements that create an environment conducive to the commission of atrocity crimes, or indicate the potential, probability or risk of their occurrence. Risk factors are not all the same. Some are structural in nature, such as the weakness of State structures, while others pertain to more dynamic circumstances or events, such as triggering factors. Triggers and other dynamic elements transform general risk into



The UN Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect work together to advance national and international efforts to protect populations from atrocity crimes.



an increased likelihood that atrocities crimes will be committed.

The **indicators** included in this framework are different manifestations of each risk factor, and therefore assist in determining the degree to which an individual risk factor is present. The particular indicators identified in the Framework have been drawn from past and current cases, but are not intended to be exhaustive.

How to use the Framework of Analysis

The Framework contains two main analytical tools for assessing the risk of atrocity crimes: (a) a list of **14 risk factors** for atrocity crimes; and (b) **indicators** for each of the risk factors. Among the 14 risk factors outlined, the first eight are common to all crimes, reflecting the fact that atrocity crimes tend to occur in similar settings and share several elements or features. In addition to these common factors, the framework identifies six additional risk factors, two specific to each of the international crimes — namely genocide, crimes against humanity and war crimes.

The **common risk factors** help us identify the probability of atrocity crimes overall, without necessarily identifying the type of crime. In fact, in the initial stages of monitoring, it is not always possible to identify which specific crime is most at risk. This becomes clearer as the process leading to atrocity crimes progresses. For example, weak State structures put populations or groups at risk of any of these crimes. In addition, different kinds of atrocity crimes can occur concurrently in a same situation, or one crime might be a precursor to another form of atrocity crime.

The **specific risk factors**, on the other hand, result from the fact that each crime has elements and precursors that are not common to all three crimes. For example, one of the elements specific to the crime of genocide is the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. Where signs or evidence of such intent are found, this points to a higher risk of genocide. In this way, the specific risk factors identified in the framework reflect the legal

definitions of the crimes, even though they are not strictly limited by them, nor intend to be criminal evidence of them.

To assess the risk of atrocity crimes in a given situation with the Framework of Analysis, a monitor or analyst should **use the risk factors and indicators to guide the collection and assessment of information**. For example, taking Risk Factor 1 (Situations of Armed Conflict or Other Forms of Instability), they should collect reliable information from a variety of sources that would inform an assessment of whether any of the respective indicators is present or has changed: whether there is an international or non-international armed conflict (Indicator 1.1); whether there is evidence of a humanitarian crisis or emergency (Indicator 1.2); whether there is political instability caused by different factors (Indicators 1.3 to 1.6); economic instability (Indicator 1.7 to 1.9) or social instability (Indicators 1.10 and 1.11). The analysis of the totality of the information gathered will guide an assessment of whether a particular State faces the kind of stress that could generate an environment conducive to atrocity crimes and hence, the presence of Risk Factor 1.

A few points should be kept in mind while using this Framework. First, **not all risk factors need to be present for there to be an assessment that there is a significant risk of atrocity crimes occurring**. For example, there are situations where information gathered has confirmed the presence of most of the risk factors, but atrocity crimes have not yet taken place. This could be due to the absence of a triggering event or the presence of a strong mitigating factor. It may also not be possible to obtain sufficiently accurate and reliable information to confirm the presence of a particular risk factor. Nevertheless, this should not deter monitors and analysts from warning of the likelihood that an atrocity crime could be committed. Triggering factors are not always predictable and a strong mitigating factor might weaken or disappear. It is also important to bear in mind that common

risk factors tend to be manifest sooner than specific risk factors. Information that confirms the presence of specific risk factors is sometimes more difficult to obtain at an early stage.

Second, **the more risk factors (and the greater number of relevant indicators) that are present, the greater the risk that an atrocity crime may be committed.** Also, the greater the number of indicators of a particular risk factor that are present, the greater the importance and role of that factor in a particular situation.

Third, **the risk factors and the indicators are not ranked, as their relative importance will differ according to the particular context.** Even though armed conflict has been identified as the strongest or most important contributing risk factor, armed conflict is not a precondition of all atrocity crimes — genocide and crimes against humanity can also occur in times of peace. Certainly, some risk factors will have a greater weight than others, or will be manifest more often than others. However, all contribute to increasing the risk of atrocity crimes.

Finally, monitors and analysts will need to be flexible when considering and weighing all the elements in this Framework and **situate them within a broader political, contextual, historical and cultural analysis.** In addition, given the development of new trends and patterns of violence and of conduct related to conflict, assessments should be open to new elements that might surface.

How accurate are risk assessments of atrocity crimes?

The Framework of Analysis provides a set of elements to help monitors or analysts to make **qualitative and systematic assessments of the risk of atrocity crimes** in specific situations. However, the presence of risk factors of atrocity crimes in a particular situation does not directly or inevitably lead to the occurrence of those crimes — risk is not equated with inevitability. In fact, some of the risk factors identified in the Framework will be present in many situations or societies around the world where atrocity crimes have not taken place. Why is that? The absence of atrocity crimes in these societies can be linked to the strength of local sources of resilience, outside assistance that mitigates risk, the lack of motivation of the leadership to commit or permit atrocity crimes, or simply the absence of a triggering factor or event. On the other hand, unpredictable occurrences can disrupt a likely course of events.

However, although it is impossible to draw a direct causal relation between the presence of particular risk factors and the occurrence of atrocity crimes, these crimes are **rarely committed in the absence of all or most of the risk factors** that the Framework identifies.



To be effective, assessments require the systematic collection of accurate and reliable information based on the risk factors and indicators that the framework identifies.



II. FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES

COMMON RISK FACTORS

| | | |
|-------------|---|---|
| Risk Factor | 1 | Situations of armed conflict or other forms of instability |
| Risk Factor | 2 | Record of serious violations of international human rights and humanitarian law |
| Risk Factor | 3 | Weakness of State structures |
| Risk Factor | 4 | Motives or incentives |
| Risk Factor | 5 | Capacity to commit atrocity crimes |
| Risk Factor | 6 | Absence of mitigating factors |
| Risk Factor | 7 | Enabling circumstances or preparatory action |
| Risk Factor | 8 | Triggering factors |

SPECIFIC RISK FACTORS

Genocide

| | | |
|-------------|----|--|
| Risk Factor | 9 | Intergroup tensions or patterns of discrimination against protected groups |
| Risk Factor | 10 | Signs of an intent to destroy in whole or in part a protected group |

Crimes against humanity

| | | |
|-------------|----|--|
| Risk Factor | 11 | Signs of a widespread or systematic attack against any civilian population |
| Risk Factor | 12 | Signs of a plan or policy to attack any civilian population |

War crimes

| | | |
|-------------|----|---|
| Risk Factor | 13 | Serious threats to those protected under international humanitarian law |
| Risk Factor | 14 | Serious threats to humanitarian or peacekeeping operations |

RISK FACTOR 1

COMMON

Situations of armed conflict or other forms of instability

Situations that place a State under stress and generate an environment conducive to atrocity crimes.

Indicators

- | | |
|------|---|
| 1.1 | International or non-international armed conflict. |
| 1.2 | Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighboring countries, threats of external interventions or acts of terrorism. |
| 1.3 | Humanitarian crisis or emergency, including those caused by natural disasters or epidemics. |
| 1.4 | Political instability caused by abrupt or irregular regime change or transfer of power. |
| 1.5 | Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements. |
| 1.6 | Political tension caused by autocratic regimes or severe political repression. |
| 1.7 | Economic instability caused by scarcity of resources or disputes over their use or exploitation. |
| 1.8 | Economic instability caused by severe crisis in the national economy. |
| 1.9 | Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities. |
| 1.10 | Social instability caused by resistance to or mass protests against State authority or policies. |
| 1.11 | Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms. |

Comment:

Atrocity crimes usually take place against a background of either an international or non-international armed conflict. Armed conflicts are periods characterized by a high incidence of violence, insecurity and the permissibility of acts that would otherwise not be acceptable. In addition, the capacity of States to inflict harm is usually at its peak during periods of conflict. If armed conflict is a violent way of dealing with problems, it is clear that the risk of atrocity crimes acutely increases during these periods. However, other situations that are not typical armed conflicts can also put a State under such a level of stress that it becomes more prone to serious human rights violations and, eventually, to atrocity crimes. In fact, genocide and crimes against humanity can also occur during times of peace. This is most likely when there are serious levels of political instability, threats to the security of the country or even volatility in economic or social affairs. Although situations of instability, or even of armed conflict, will not necessarily lead to the occurrence of atrocity crimes, they highly increase the likelihood of those crimes.

Record of serious violations of international human rights and humanitarian law

Past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.

| Indicators | |
|------------|---|
| 2.1 | Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals. |
| 2.2 | Past acts of genocide, crimes against humanity, war crimes or their incitement. |
| 2.3 | Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement. |
| 2.4 | Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement. |
| 2.5 | Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions. |
| 2.6 | Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes. |
| 2.7 | Politicization or absence of reconciliation or transitional justice processes following conflict. |
| 2.8 | Widespread mistrust in State institutions or among different groups as a result of impunity. |

Comment:

Societies that have a history of violence and serious violations of international human rights and humanitarian law or atrocity crimes, or where these are currently taking place, can be more prone to further atrocity crimes. As history has demonstrated, atrocity crimes in general and genocide in particular are preceded by less widespread or systematic serious violations of international human rights and humanitarian law. These are typically violations of civil and political rights, but they may include also severe restrictions to economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals. This risk factor is also relevant where the legacies of past atrocity crimes have not been adequately addressed through individual criminal accountability, reparation, truth-seeking and reconciliation processes, as well as comprehensive reform measures in the security and judicial sectors. A society in this situation is more likely to resort again to violence as a form of addressing problems.

RISK FACTOR 3

COMMON

Weakness of State structures

Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes.

Indicators

- 3.1 National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties.
- 3.2 National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.
- 3.3 Lack of an independent and impartial judiciary.
- 3.4 Lack of effective civilian control of security forces.
- 3.5 High levels of corruption or poor governance.
- 3.6 Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims.
- 3.7 Lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors.
- 3.8 Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards.
- 3.9 Lack of resources for reform or institution-building, including through regional or international support.
- 3.10 Insufficient resources to implement overall measures aimed at protecting populations.

Comment:

The risk of atrocity crimes can be increased by a State's lack of capacity to prevent these crimes. A State protects its population through the establishment of frameworks and institutions that are guided by the rule of law and good governance principles. However, when such structures are inadequate or simply do not exist, the ability of the State to prevent atrocity crimes is significantly diminished. As a consequence, populations are left vulnerable to those who may take advantage of the limitations or the dysfunction of State machinery, or to those that may opt for violence to respond to real or perceived threats. This is even more the case in a situation of armed conflict, when it is paramount that those resorting to the use of force are fully aware of and respect the rules that aim to protect populations from such force, and have the necessary means to do so. The weakness of State structures will not necessarily be a cause of atrocity crimes, but it undoubtedly decreases the level of protection and, when analysed in conjunction with other risk factors, increases the probability of atrocity crimes.

Motives or incentives

Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.

| Indicators | |
|------------|---|
| 4.1 | Political motives, particularly those aimed at the attainment or consolidation of power. |
| 4.2 | Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources. |
| 4.3 | Strategic or military interests, including those based on protection or seizure of territory and resources. |
| 4.4 | Other interests, including those aimed at rendering an area homogeneous in its identity. |
| 4.5 | Real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause. |
| 4.6 | Real or perceived membership of or support for armed opposition groups, by protected groups, populations or individuals. |
| 4.7 | Ideologies based on the supremacy of a certain identity or on extremist versions of identity. |
| 4.8 | Politicization of past grievances, tensions or impunity. |
| 4.9 | Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge. |

Comment:

The motives or incentives that lead perpetrators to commit atrocity crimes are not elements of the legal definition of those crimes and are therefore not relevant to determine individual criminal responsibility. However, from an early warning perspective, it is extremely important to be able to identify motivations, aims or drivers that could influence certain individuals or groups to resort to massive violence as a way to achieve goals, feed an ideology or respond to real or perceived threats. On one hand, to do so allows for a higher degree of prediction of the likelihood of those crimes. On the other, it opens the opportunity to develop prevention strategies aimed at neutralizing or curbing those motives or incentives. No one specific motive or incentive will automatically lead to atrocity crimes, but certain motives or incentives are more likely to, especially those that are based on exclusionary ideology, which is revealed in the construction of identities in terms of “us” and “them” to accentuate differences. The historical, political, economic or even cultural environment in which such ideologies develop can also be relevant.

RISK FACTOR 5

COMMON

Capacity to commit atrocity crimes

Conditions that indicate the ability of relevant actors to commit atrocity crimes.

Indicators

- | | |
|-----|--|
| 5.1 | Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement. |
| 5.2 | Capacity to transport and deploy personnel and to transport and distribute arms and ammunition. |
| 5.3 | Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them. |
| 5.4 | Strong culture of obedience to authority and group conformity. |
| 5.5 | Presence of or links with other armed forces or with non-State armed groups. |
| 5.6 | Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help sustain perpetrators. |
| 5.7 | Financial, political or other support of influential or wealthy national actors. |
| 5.8 | Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others. |

Comment:

Atrocity crimes are not easy to commit. In particular, genocide and crimes against humanity, but also several war crimes, are characterized by large-scale violence that requires a level of planning and that, in most cases, is sustained over a period of time. To be able to engage in such conduct, actors aiming at committing atrocity crimes must have at their disposal the necessary, substantial resources and support, either internal or external. That capacity can be intentionally developed or it can also be incidental. Accordingly, the fact that States or groups have the capacity to perpetrate atrocity crimes does not imply that they will commit them — for that, it is also necessary that they have the intention to make use of that capacity against a protected group, population or individual. Therefore, this risk factor must be assessed in conjunction with other factors. In contrast, those who do not have the capacity to commit atrocity crimes, i.e., where one or more of the indicators mentioned above are not present, will most likely not be able to put any plan into action, or will face serious challenges in its attempt to implement it.

Absence of mitigating factors

Absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals.

| Indicators | |
|------------|--|
| 6.1 | Limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves. |
| 6.2 | Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media. |
| 6.3 | Lack of interest and focus of international civil society actors or of access to international media. |
| 6.4 | Lack of or limited presence of the United Nations, INGOs or other international or regional actors in the country and with access to populations. |
| 6.5 | Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations. |
| 6.6 | Lack of exposure, openness or establishment of political or economic relations with other States or organizations. |
| 6.7 | Limited cooperation of the State with international and regional human rights mechanisms. |
| 6.8 | Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community. |
| 6.9 | Lack of interest, reluctance or failure of United Nations Member States or international or regional organizations to support a State to exercise its responsibility to protect populations from atrocity crimes, or to take action when the State manifestly fails that responsibility. |
| 6.10 | Lack of support by neighbouring States to protect populations at risk and in need of refuge, including by closure of borders, forced repatriation or aid restrictions. |
| 6.11 | Lack of an early warning mechanism relevant to the prevention of atrocity crimes. |

Comment:

Atrocity crimes result from a convergence of elements, as demonstrated in this framework. Among those elements, some point more directly to the likelihood of atrocity crimes, while others might have a more indirect effect and seem secondary, or even too broad to merit consideration. However, even if indirect, these elements can contribute to preventing an escalation of violence or even to ending it and can therefore reduce the probability of atrocity crimes. Some of these elements can exist prior to the development of tensions, crises or conflict, while others can arise as a situation escalates. Such elements, either internal or external, are important to consider for early warning purposes.

RISK FACTOR 7

COMMON

Enabling circumstances or preparatory action

Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration.

Indicators

- | | |
|------|---|
| 7.1 | Imposition of emergency laws or extraordinary security measures that erode fundamental rights. |
| 7.2 | Suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups. |
| 7.3 | Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals. |
| 7.4 | Acquisition of large quantities of arms and ammunition or of other objects that could be used to inflict harm. |
| 7.5 | Creation of, or increased support to, militia or paramilitary groups. |
| 7.6 | Imposition of strict control on the use of communication channels, or banning access to them. |
| 7.7 | Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements. |
| 7.8 | Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent adoption of measures or legislation that affect or deliberately discriminate against them. |
| 7.9 | Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror. |
| 7.10 | Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations. |
| 7.11 | Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity. |
| 7.12 | Marking of people or their property based on affiliation to a group. |
| 7.13 | Increased politicization of identity, past events or motives to engage in violence. |
| 7.14 | Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals. |

Comment:

Atrocity crimes, and in particular genocide and crimes against humanity, are processes that take time to plan, coordinate and implement. They cannot be explained as isolated or spontaneous events that perpetrators decided to commit without some level of preparation. Also, as mentioned in a previous risk factor, perpetrators need to possess sufficient resources to be able to commit massive or widespread acts of violence. Such resources are not always readily available and can take time to assemble. Consequently, throughout the development of these processes, it should be possible to identify events, actions or changes that point to the likelihood that certain actors are taking steps towards a scenario of mass violence and possibly atrocity crimes. Alternatively, such events, actions or changes can also serve to create an environment that favors or even encourages the commission of such crimes. Recognizing such indicators and establishing a causal link to the probability of atrocity crimes is not always easy, but it is of great relevance. As with all risk factors, analysis of this risk factor should take into consideration a context in which other risk factors might also be present.

Triggering factors

Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset.

| Indicators | |
|------------|---|
| 8.1 | Sudden deployment of security forces or commencement of armed hostilities. |
| 8.2 | Spillover of armed conflicts or serious tensions in neighbouring countries. |
| 8.3 | Measures taken by the international community perceived as threatening to a States' sovereignty. |
| 8.4 | Abrupt or irregular regime changes, transfers of power, or changes in political power of groups. |
| 8.5 | Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups. Other serious acts of violence, such as terrorist attacks. |
| 8.6 | Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders. |
| 8.7 | Acts of incitement or hate propaganda targeting particular groups or individuals. |
| 8.8 | Census, elections, pivotal activities related to those processes, or measures that destabilize them. |
| 8.9 | Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics. |
| 8.10 | Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations. |
| 8.11 | Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities. |
| 8.12 | Acts related to accountability processes, particularly when perceived as unfair. |

Comment:

The dynamics of atrocity crimes are not the same in all cases. In fact, they can vary considerably. The commission of atrocity crimes may progress at a faster pace if the perpetrators have a clear plan and the immediate capacity to implement it. In other situations, the commission of atrocity crimes might unfold at a late stage of a situation of serious crisis or tension that may have been lasting for a long period of time. It can also happen that unpredictable events or circumstances aggravate conditions or spark a sudden deterioration in a situation, prompting the perpetration of atrocity crimes. An adequate early warning assessment should be mindful of all such events or circumstances and consider their potential impact, even if they appear to be unrelated to more direct or structural risk factors.

RISK FACTOR 9

Intergroup tensions or patterns of discrimination against protected groups⁵

Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes.

Indicators

- 9.1 Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups.
- 9.2 Denial of the existence of protected groups or of recognition of elements of their identity.
- 9.3 History of atrocity crimes committed with impunity against protected groups.
- 9.4 Past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity or to perceptions about the targeted group.
- 9.5 Past or present serious tensions or conflicts involving other types of groups (political, social, cultural, geographical, etc.) that could develop along national, ethnical, racial or religious lines.
- 9.6 Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.

⁵ For a definition of “protected group” within the context of this Framework, please consult Section I — *Who are the victims of atrocity crimes?*.

Comment:

Genocide is an extreme form of identity-based crime. Whether real or socially constructed, identity can be subject to manipulation by elites, including as a deliberate tactic for personal or political gain, and may be used to deepen societal divisions. Identity-based conflict, which may give rise to the crime as defined by the Convention on the Prevention and the Punishment of the Crime of Genocide, can be rooted in differences between national, ethnical, racial or religious groups, whether real or perceived. It can also be rooted in other differences, such as those of a political or even geographical nature, that eventually develop along national, ethnical, racial or religious lines. However, the risk factor is not the existence of diversity within the population of a country, nor is it those differences per se that cause conflict between groups. Instead, it is discrimination based on such differences, and persistent patterns of it, that establish divisions within society which serve as both a material cause and a perceived justification of group violence. Without group-level discrimination, even deeply seated grievances are unlikely to transform into the patterns of abuse that give rise to genocide.

Signs of an intent to destroy in whole or in part a protected group

Facts or circumstances that suggest an intent, by action or omission, to destroy all or part of a protected group based on its national, ethnical, racial or religious identity, or the perception of this identity.

Indicators

- 10.1 Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group.
- 10.2 Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group.
- 10.3 Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination.
- 10.4 Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups.
- 10.5 Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity.
- 10.6 Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group.
- 10.7 Expressions of public euphoria at having control over a protected group and its existence.
- 10.8 Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

Comment:

The intent to destroy in whole or in part a national, ethnical, racial or religious group is both one of the most fundamental and one of the most difficult elements of the crime of genocide to prove. It is also a challenging element to predict from an early warning perspective. Frequently, the intent only comes to light after a crime has taken place, typically during accountability processes, or sometimes when it might be too late to take preventive action due to the advanced level of the violence. However, there are some early indicators that can serve as a warning sign. Those indicators are unlikely to be explicit, but they can also be inferred from conduct that would reasonably lead to the belief, even if not the certainty, that the intent of or a plan for annihilation could exist. Indicators can include overt methods of destruction, or otherwise covert or indirect methods that in practice lead to the same ultimate result. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element. As genocide is not a spontaneous act, it is unlikely that it will be committed in the absence of such a plan or policy.

RISK FACTOR 11

Signs of a widespread or systematic attack against any civilian population⁶

Signs of violent conduct including, but not limited to, attacks involving the use of force, against any civilian population and that suggest massive, large-scale and frequent violence (widespread), or violence with patterns of periodicity, similitude and organization (systematic).

Indicators

- | | |
|------|--|
| 11.1 | Signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols. |
| 11.2 | Increase in the number of civilian populations or the geographical area targeted, or in the number, types, scale or gravity of violent acts committed against civilian populations. |
| 11.3 | Increase in the level of organization or coordination of violent acts and weapons used against a civilian population. |
| 11.4 | Use of the media or other means to provoke or incite to violent acts. |
| 11.5 | Signs of a plan or policy to conduct attacks against civilian populations. |
| 11.6 | Establishment of new political or military structures that could be used to commit violent acts. |
| 11.7 | Access to or increasing use of significant public or private resources for military or belligerent action, including the acquisition of large quantities of weaponry or other instruments that can cause death or serious harm. |
| 11.8 | Signs of development or increased use of means or methods of violence that are incapable of distinguishing between civilian and military targets or that are capable of mass destruction, persecution or weakening of communities. |

⁶ For a definition of “civilian population” within the context of this Framework, please consult Section I — *Who are the victims of atrocity crimes?*.

Comment:

Crimes against humanity involve either large-scale violence (quantitative element) or a methodical type of violence (qualitative element). This excludes random, accidental or isolated acts of violence that, in addition, could be difficult to predict. Instead, the type of violence that characterizes crimes against humanity will most probably require a level of preparation that can be revealed through different indicators. Such indicators can, for example, relate to the means and methods used to engage in violence, or to patterns of violent conduct during the early stages of a conflict that can help predict an aggravation of those patterns and, consequently, the potential for crimes against humanity. Other indicators can point to patterns of conduct — even outside of a conflict situation — that manifest earlier, such as the building up of capacity for large-scale or systematic violence, or the use of alternative means to target civilian populations or particular groups within them. Identifying early stages of pattern manifestation is crucial to be able to devise strategies to stop them.

Signs of a plan or policy to attack any civilian population

Facts or evidence suggestive of a State or organizational policy, even if not explicitly stipulated or formally adopted, to commit serious acts of violence directed against any civilian population.

| Indicators | |
|------------|--|
| 12.1 | Official documents, political manifestos, media records, or any other documentation through which the existence of a State or organizational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred. |
| 12.2 | Adoption of discriminatory security procedures against different groups of the civilian population. |
| 12.3 | Adoption of measures that result in the alteration of the ethnic, religious, racial or political composition of the overall population, including in defined geographical areas. |
| 12.4 | Establishment of parallel institutions or autonomous political or military structures, or organization of a network of potential perpetrators belonging to a specific ethnic, religious, national, racial or political group. |
| 12.5 | Preparation and use of significant public or private resources, whether military or other kinds. |
| 12.6 | Access to and use of weaponry or other instruments not easily obtained inside the country. |
| 12.7 | Preparation or mobilization of armed forces en masse against civilian populations. |
| 12.8 | Facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts. |
| 12.9 | Widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations. |
| 12.10 | Involvement of State institutions or high-level political or military authorities in violent acts. |

Comment:

In addition to the requirement that attacks against the civilian population be widespread or systematic, crimes against humanity are committed in furtherance of a State or organizational policy to commit an attack. Even though this is not included in the definition of the crime under Article 7(1) of the Rome Statute, Article 7(2)(a) of the same document introduces this element. The plan or policy does not need to be explicitly stipulated or formally adopted and can, therefore, be inferred from the totality of the circumstances. Early signs of those circumstances, such as the indicators mentioned above, reveal planning, promotion or encouragement of violent acts, even if not explicitly presented as such. Conduct that manifests as widespread or systematic, as described in the previous risk factor, can be an indication of a plan or policy. On the other hand, a plan or policy can point to the systematic nature of an attack. The distinction between both might not always be clear.

RISK FACTOR 13

Serious threats to those protected under international humanitarian law⁷

Conflict-related conduct that seriously threatens the life and physical integrity of those protected under international humanitarian law.

Indicators

- | | |
|-------|---|
| 13.1 | Fragmentation of parties to the conflict or disintegration or absence of chains of command within them. |
| 13.2 | Mistrust between opposing parties based on past or present breaches of commitments or agreements. |
| 13.3 | Increased radicalization or extremism of opposing parties within a conflict. |
| 13.4 | Promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict. |
| 13.5 | Conduct that dehumanizes the enemy or particular groups within the population, or that exhibits disrespect for their religious, ethnic or, in general, cultural traditions, morals and values, objects or institutions. |
| 13.6 | Adoption of measures that severely curtail the rights of those protected under international humanitarian law, including those aligned or perceived as aligned with opposing parties but not taking active part in hostilities. |
| 13.7 | Evidence of plans or discourse which reveals a threat of or incitement to violence against those protected under international humanitarian law, including as a means to spread terror, intimidate, demoralize, show military strength, provoke displacement, or as preliminary to further violence. |
| 13.8 | Evidence of conduct interfering with or impeding delivery or access to supplies, facilities, equipment, objects or medical or humanitarian support indispensable to the survival of those protected under international humanitarian law. |
| 13.9 | Evidence of preparation of personnel and logistics enabling the transportation, movement or confinement of large numbers of people, or the conducting of medical experiments. |
| 13.10 | Evidence of conduct related to the planning, development, production, storage, acquisition, availability or threat of use of weapons, projectiles, materials or substances which are by their nature indiscriminate or cause superfluous injury or unnecessary suffering to people, or that can cause widespread, long-term and severe damage to the natural environment. |
| 13.11 | Refusal to allow inspections by competent and independent bodies into allegations of conduct included in point 13.10, or action to stop such conduct. |
| 13.12 | Refusal to acknowledge detentions or places of detention or to allow visits by delegates of the International Committee of the Red Cross. |



Risk Factor 13 indicators, continued

- 13.13** Issuance of rules of engagement or legislation that allow the disproportionate or indiscriminate use of force, or failure to take action to avoid launching such attacks or to conduct military operations in heavily populated areas or to non-military targets.
- 13.14** Increase in the number of any of the attacks or operations mentioned in point 13.13.
- 13.15** Use of methods of warfare that reveal treachery, including taking advantage of the symbols or emblems of humanitarian or peacekeeping personnel, or not wearing uniforms or distinctive combat gear to portray combatants as civilians.
- 13.16** Threats or appropriation, seizure, pillaging or intentional destruction or damage of civilian objects or property that belong, represent or are part of the cultural, social or religious identity of those protected under international humanitarian law, unless used for military purposes.
- 13.17** Threats or orders of warfare without concessions or where there would be no survivors.
- 13.18** Conduct that threatens the rule of law or any other measures that limit protection of the rights to life and physical integrity afforded by applicable international humanitarian law, including denial of its applicability.

⁷ For a definition of “those protected under international humanitarian law” within the context of this Framework, please consult Section I — Who are the victims of atrocity crimes?. Humanitarian or peacekeeping operations, though also protected under international humanitarian law, will be dealt separately in this Framework under risk factor 14.

Comment:

In contrast to the crimes of genocide and crimes against humanity, war crimes must always take place in the context of an armed conflict. Consequently, indicators specific to war crimes surface at a late stage, when options for prevention are more limited. For earlier preventive action, common risk factors should be considered first. However, even if a conflict is already under way, there are still measures that can be taken to diminish the effects of hostilities and, therefore, to prevent war crimes. The list of war crimes is long and each has a specific definition. They can also vary according to different norms of international law. The indicators identified above attempt to include indicators relevant to as many war crimes as possible that are related to the protection of human life. However, they are far from exhaustive. Some of the indicators identified can also on their own be war crimes, such as attacks against civilian property, which can point to an increase in the threat to human life.

RISK FACTOR 14

Serious threats to humanitarian or peacekeeping operations

Conflict-related conduct that threatens the protection provided by international humanitarian law to humanitarian assistance or peacekeeping personnel not taking direct part in hostilities.

Indicators

- | | |
|-------|---|
| 14.1 | Perceptions of partiality or political interference by humanitarian or peacekeeping operations, their members, the broader international community, international, regional or national organizations, individual countries, or others sponsoring or participating in the operations. |
| 14.2 | Increase in identity-based conflicts and perceptions about humanitarian or peacekeeping operations as associated with the opponent or as an obstacle to plans of elimination, marginalization or displacement. |
| 14.3 | Increased intensity of the conflict and scarcity of livelihoods or other resources. |
| 14.4 | Fragmentation of parties to the conflict or disintegration of chains of command within them. |
| 14.5 | Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel. |
| 14.6 | Tampering with or removal of signs identifying protected objects or locations where humanitarian or peacekeeping operations are stationed or providing support. |
| 14.7 | Incidents of improper use of a flag of truce, of the flag or of the military insignia and uniform of the United Nations and the distinctive emblems of the Geneva Conventions. |
| 14.8 | Attacks against locations in close proximity to humanitarian or peacekeeping operations and personnel, or on the routes taken by them during their activities. |
| 14.9 | Discourse or evidence of plans that suggest a threat, or the incitement or tolerance of acts of violence against humanitarian or peacekeeping operations and personnel. |
| 14.10 | Disrespect, threats or increase in attacks to objects, property or persons using the distinctive emblems of the Geneva Conventions or of other humanitarian or peacekeeping operations. |

Comment:

International humanitarian law affords specific protection to those working for humanitarian assistance or peacekeeping missions in a setting of armed conflict, as long as they do not take direct part in hostilities, except for self-defense. These operations are particularly exposed to the violence that accompanies periods of conflict due to the key role they play in the protection of human lives and the alleviation of human suffering during those periods. A set of specific indicators can help in assessing the likelihood of attacks against this group that could constitute war crimes. As the focus of the Framework is the protection of human life, attacks against property of humanitarian or peacekeeping operations have been included only as indicators of an increased risk to the lives of their staff.

ANNEX I

Legal Definitions of Atrocity Crimes

Genocide

Genocide is defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and has become a norm of customary international law. The same definition can be found in other documents of international law: Article 6 of

the Rome Statute of the International Criminal Court; Article 4(2) of the Statute of the International Criminal Tribunal for the former Yugoslavia, and Article 2(2) of the Statute of the International Criminal Tribunal for Rwanda.

Convention on the Prevention and Punishment of the Crime of Genocide

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Crimes against Humanity

Crimes against humanity have not been codified in a treaty, similar to genocide and war crimes. However, the definition has developed under customary law and through the jurisdiction of international courts. Article 7(1) of the Rome Statute of the International Criminal

Court; Article 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Article 3 of the Statute of the International Criminal Tribunal for Rwanda, include definitions of crimes against humanity, even though they do not totally coincide.

Rome Statute of the International Criminal Court

Article 7

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

War Crimes

War crimes are those violations of international humanitarian law that incur perpetrators in individual criminal responsibility under international law. There is no one single document that codifies all war crimes. Lists can be found in both international humanitarian law and international criminal law treaties, as well as in international customary law. The 1949 Geneva Conventions

and 1977 Additional Protocol I contain lists. Article 8 of the Rome Statute of the International Criminal Court; Article 2 and 3 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Article 4 of the Statute of the International Criminal Tribunal for Rwanda, also include lists of war crimes. They do not always coincide.

Rome Statute of the International Criminal Court

Article 8

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, “war crimes” means:
 - (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - (i) Wilful killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
 - (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;



- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Pillaging a town or place, even when taken by assault;
- (xvi) Employing poison or poisoned weapons;
- (xvii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;



- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
 - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
 - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.



- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- (f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.

Ethnic Cleansing

Ethnic cleansing has not been recognized as an independent crime under international law. In the context

of the war in former Yugoslavia, a United Nations Commission of Experts defined it as:

**Interim Report of the Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992),
U.N. SCOR, U.N. Doc. S/25274 (26 January 1993), at 16**

"... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area,"

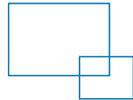
**Final Report of the Commission of Experts Established Pursuant to
United Nations Security Council Resolution 780 (1992),
U.N. SCOR, U.N. Doc. S/1994/674 (27 May 1994), Annex, at 3, 33**

"... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas."

The same Commission of Experts stated that the coercive practices used to remove the civilian population can include: murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, severe physical injury to civilians, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, use of civilians as human

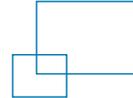
shields, destruction of property, robbery of personal property, attacks on hospitals, medical personnel, and locations with the Red Cross/Red Crescent emblem, among others.

The Commission of Experts added that these practices can "... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention."



Prevention means acting early...
Together with a commitment to
accountability, we owe this to
the millions of victims of the
horrific international crimes of
the past — and those whose lives
we may be able to save in the future.

— Secretary-General Ban Ki-moon



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