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.

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. 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 genocide and the strand arising from the analytic policy implications of the Responsibility to Protect, or R2P. 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.

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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).
4 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).
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, Côte 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


\(^7\) Id. at 9-17.

\(^8\) Id. at 18-21.

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

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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, ethnic, 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

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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. 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

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>Common Risk Factors for Atrocity Crimes</th>
<th>Number of Indicators Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Factor 1</td>
<td>Situations of armed conflict or other forms of instability</td>
<td>10 out of 11 indicators present</td>
</tr>
<tr>
<td>Risk Factor 2</td>
<td>Record of serious violations of international human rights and humanitarian law</td>
<td>8 out of 8 indicators present</td>
</tr>
<tr>
<td>Risk Factor 3</td>
<td>Weakness of state structures</td>
<td>7 out of 10 indicators present</td>
</tr>
<tr>
<td>Risk Factor 4</td>
<td>Motives or incentives</td>
<td>6 out of 9 indicators present</td>
</tr>
<tr>
<td>Risk Factor 5</td>
<td>Capacity to commit atrocity crimes</td>
<td>4 out of 8 indicators present</td>
</tr>
<tr>
<td>Risk Factor 6</td>
<td>Absence of mitigating factors</td>
<td>6 out of 11 indicators present</td>
</tr>
<tr>
<td>Risk Factor 7</td>
<td>Enabling circumstances or preparatory action</td>
<td>13 out of 14 indicators present</td>
</tr>
<tr>
<td>Risk Factor 8</td>
<td>Triggering factors</td>
<td>6 out of 12 indicators present</td>
</tr>
</tbody>
</table>

**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

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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).
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.\textsuperscript{19} Since that time, the country’s history has been rife with both internal and international armed conflict, successive military coups, and autocratic rule.\textsuperscript{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>
<thead>
<tr>
<th>Risk Factor 1: Situations of Armed Conflict or Other Forms of Instability</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 International or non-national armed conflict.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>1.3 Humanitarian crisis or emergency, including those caused by natural disasters or epidemics.</td>
</tr>
<tr>
<td>1.4 Political instability caused by abrupt or irregular regime change or transfer of power.</td>
</tr>
<tr>
<td>1.5 Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements.</td>
</tr>
<tr>
<td>1.6 Political tension caused by autocratic regimes or severe political repression.</td>
</tr>
<tr>
<td>1.7 Economic instability caused by scarcity of resources or disputes over their use or exploitation.</td>
</tr>
<tr>
<td>1.8 Economic instability caused by severe crisis in the national economy.</td>
</tr>
<tr>
<td>1.9 Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.</td>
</tr>
<tr>
<td>1.10 Social instability caused by resistance to or mass protests against State authority or policies.</td>
</tr>
<tr>
<td>1.11 Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.</td>
</tr>
</tbody>
</table>

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

\textsuperscript{19} CIA Factbook, supra note 14.
\textsuperscript{22} See id.
Museveni and the Ugandan Peoples’ Defence Forces (UPDF), resulting in countless atrocities and internally displacing nearly two million Ugandans. Additionally, the eastern Karamojong region of Uganda, on the border of Kenya, has suffered continual inter- and intra-ethnic violence.

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. 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. This engagement has produced enemies, as does Uganda’s role as the largest contributing nation to

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

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. 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. 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. This dynamic has produced a political system that is created by and reproduced through perpetual instability.

Additionally, corruption 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. The economic crisis is reflected in acute poverty, mass unemployment, particularly in urban areas, soaring inflation, and deep horizontal inequalities. Given that the south served as the economic and administrative backbone of the colonial state, a north-south division of labor, economic activities, infrastructure, and human capital have been left behind.

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

<table>
<thead>
<tr>
<th>Risk Factor 2: Record of Serious Violations of International Human Rights and Humanitarian Law</th>
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<tbody>
<tr>
<td>2.1</td>
<td>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.</td>
</tr>
<tr>
<td>2.2</td>
<td>Past acts of genocide, crimes against humanity, war crimes or their incitement.</td>
</tr>
<tr>
<td>2.3</td>
<td>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.</td>
</tr>
<tr>
<td>2.4</td>
<td>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.</td>
</tr>
<tr>
<td>2.5</td>
<td>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.</td>
</tr>
<tr>
<td>2.6</td>
<td>Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.</td>
</tr>
<tr>
<td>2.7</td>
<td>Politicization or absence of reconciliation or transitional justice processes following conflict.</td>
</tr>
<tr>
<td>2.8</td>
<td>Widespread mistrust in State institutions or among different groups as a result of impunity.</td>
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</table>

<table>
<thead>
<tr>
<th>Risk Factor 3: Weakness of State Structures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>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.</td>
</tr>
<tr>
<td>3.2</td>
<td>National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.</td>
</tr>
<tr>
<td>3.3</td>
<td>Lack of an independent and impartial judiciary.</td>
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<tr>
<td>3.4</td>
<td>Lack of effective civilian control of security forces.</td>
</tr>
</tbody>
</table>

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). 38 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.”

In Uganda, there is a long-standing history of serious human rights violations and atrocity crimes 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. Perpetrators of these abuses are rarely arrested, tried or convicted for carrying out these crimes.

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

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Serious human rights concerns also include acts of mob violence—common, communal forms of extrajudicial punishment and brutality. 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.

Vigilante and parastatal groups linked to the government operate with impunity in Uganda. 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.” President Museveni controls the PGB’s decision-making structures and his son serves as commander of PGB’s special forces. In effect, the PGB is “the president’s personalised military machine.”

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.” 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.

<table>
<thead>
<tr>
<th>Risk Factor 4: Motives or Incentives</th>
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<tbody>
<tr>
<td>4.1 Political motives, particularly those aimed at the attainment or consolidation of power.</td>
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<tr>
<td>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.</td>
</tr>
<tr>
<td>4.3 Strategic or military interests, including those based on protection or seizure of territory and resources.</td>
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</tbody>
</table>


52 See id.

53 Id.

54 Id.

55 UN Framework of Analysis, supra note 1, at 13 (Risk Factor 4).
| 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.\(^{58}\)


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.

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Table 5: Indicators for Risk Factors 5 & 6

<table>
<thead>
<tr>
<th>Risk Factor 5: Capacity to Commit Atrocity Crimes</th>
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<tr>
<td>5.1 Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement.</td>
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<tr>
<td>5.2 Capacity to transport and deploy personnel and to transport and distribute arms and ammunition.</td>
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<tr>
<td>5.3 Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them.</td>
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<td>5.4 Strong culture of obedience to authority and group conformity.</td>
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<td>5.5 Presence of or links with other armed forces or with non-State armed groups.</td>
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<td>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.</td>
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<td>5.7 Financial, political or other support of influential or wealthy national actors.</td>
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<td>5.8 Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others.</td>
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<tr>
<th>Risk Factor 6: Absence of Mitigating Factors</th>
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<tr>
<td>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.</td>
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<tr>
<td>6.2 Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media.</td>
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<td>6.3 Lack of interest and focus of international civil society actors or of access to international media.</td>
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<td>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.</td>
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<td>6.5 Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations.</td>
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<td>6.6 Lack of exposure, openness or establishment of political or economic relations with other States or organizations.</td>
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<td>6.7 Limited cooperation of the State with international and regional human rights mechanisms.</td>
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<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>6.11 Lack of an early warning mechanism relevant to the prevention of atrocity crimes.</td>
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Uganda’s capacity to commit and inability to prevent atrocities results from its underequipped, poorly financed, and ineffective judicial and law enforcement institutions, 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, the increasing criminalization

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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,


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.)

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

<table>
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<tr>
<th>Risk Factor 7: Enabling Circumstances or Preparatory Action</th>
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<th>Risk Factor 11: Signs of a Widespread or Systematic Attack Against Any Civilian Population</th>
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<th>Risk Factor 12: Signs of a Plan or Policy to Attack Any Civilian Population</th>
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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. 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. 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. 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.” The legislative history of this section reveals intent to bar LGBTI individuals from filing discrimination claims under the Act’s provisions. In early 2009, LGBTI advocates and allies filed a Constitutional challenge to this provision of the Act; however, as of October 2015, a decision has not been issued, and the matter remains pending.

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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.
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,

82 Id.
83 Id. § 13.
current Minister of Ethics and Integrity Simon Lokodo (a former Catholic priest), President Museveni, and First Lady Janet Museveni. 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.

In December 2013, the Ugandan legislature passed the bill as the Anti-Homosexuality Act (“AHA”). 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. 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.

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.”

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.” As a result, the court found that the raid of the LGBTI activists’ workshop did not amount to a “breach of their Constitutional rights.”

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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.”).
87 Id. §§ 7, 13.
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, state-private violence, state-constricted use and barriers to health services, and forced evictions. 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.

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 detention and “corrective rapes”. 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.

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92 See Rule by law, supra note 89.
94 See e.g., Consortium, supra note 89; Rule by law, supra note 89, at 62.
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.
Individuals suspected of homosexuality-related crimes have been subject to severe cruel, inhuman and degrading treatment in police custody. 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. Police and forensic medical examiners systematically conduct “anal examinations” to suspected perpetrators and victims of “homosexuality” related crimes. 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.” 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.

Police have also forced suspects to appear before media outlets while reporters photograph them and publicly read their police statements. 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.

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.

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

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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-EA7A28E43EF0/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.\textsuperscript{108} There are also reports of “corrective rape,” sometimes organized by family members, as an attempt to change the individual’s sexual orientation.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{115} The denial of or limitations on access to health services appears to have had such an impact on HIV rates.

\textsuperscript{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.'

\textsuperscript{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.”).

\textsuperscript{110} Danish Refugee Council, supra note 101, at 57.


\textsuperscript{112} Rule by law, supra note 89, at 61.


\textsuperscript{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)).

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

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\(^{117}\) 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.


\(^{123}\) Id. at §§41, 43.
personal lifestyle choice into which individuals—especially children and youth—can be recruited.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{129} In 2005, the Ugandan Ministry of Education

\begin{thebibliography}{99}
\bibitem{intlgay} Int’l Gay and Lesbian Hum. Rts. Comm’n, \textit{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.”).
\bibitem{danishref} E.g., Danish Refugee Council, \textit{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, \textit{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 . . . ’”).
\bibitem{danishref3} E.g., Int’l Gay and Lesbian Hum. Rts. Comm’n, \textit{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.”). \textit{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, \textit{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.”).
\end{thebibliography}
warned that any students caught engaging in “homosexual activity” would be suspended indefinitely.\textsuperscript{130} School officials have accused LGBTI individuals of “teaching people how to become lesbians” or “spoiling the school.”\textsuperscript{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.\textsuperscript{132} A significant portion of practicing Christians can be categorized as Protestant.\textsuperscript{133} A number of Christian congregations in Uganda are connected with anti-gay evangelicals and leaders in the U.S.\textsuperscript{134}

Morality and religion play an integral role in Ugandan political decisions,\textsuperscript{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.\textsuperscript{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

\textsuperscript{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), \url{http://www.newvision.co.ug/D/8/13/416267}.

\textsuperscript{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.").

\textsuperscript{132} U.S. Dep’t of St., Bureau of Democracy, Hum. Rts., and Lab., 2013 Report on International Religious Freedom (2014), \url{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.”).


\textsuperscript{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).

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


138 See e.g., Morrison Rwakakamba, Uganda's 'Kill the Gays' bill: Pastor Martin Ssempa and the Anti-Gay Lobby, Transformation (Mar. 25, 2014), https://www.opendemocracy.net/transformation/morrison-rwakakamba/ugandas-kill-gays-bill-pastor-martin-ssempa-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).


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.\footnote{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.\footnote{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.\footnote{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 catalyst\footnote{147}—and therefore an important indicator\footnote{148}—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.\footnote{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.\footnote{150} Public identification and “ outing” of...
suspected LGBTI individuals and groups have become routine in the last ten years, 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.

The content of public messaging has been deeply stigmatizing and exposing, encouraging of physical abuse, imprisonment, forced expulsion, and even murder. 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.” In 2010, Member of Parliament Odonga Otto publicly stated that gays should suffer death by hanging and public stoning.

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. For example, President Museveni publicly stated

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

154 See supra note 89, at 10.

155 See supra note 93, at 20.

156 100 Pictures of Uganda’s Top Homos Leak, Rolling Stone (Oct. 2, 2010) (containing pages with certain individuals’ information under the headline “hang them”).


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;
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

<table>
<thead>
<tr>
<th>Date</th>
<th>Escalating Dangerous Speech, Oppression &amp; Severe Deprivation of Fundamental Rights Against LGBTI Ugandans</th>
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<tbody>
<tr>
<td>1990</td>
<td>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.①</td>
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<tr>
<td>July 1998</td>
<td>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.”②</td>
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<tr>
<td>September 1999</td>
<td>President Museveni publicly stated that he “told the CID [Criminal Investigations Department] to look for homosexuals, lock them up and charge them.”③</td>
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<tr>
<td>2002</td>
<td>Stephen Langa founded the Family Life Network, a conservative Christian anti-abortion, abstinence-only focused, anti-LGBTI organization.④</td>
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<td>March &amp; June</td>
<td>Scott Lively, a U.S.-based attorney and evangelical minister, made two trips to</td>
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| 2002         | Uganda and spoke about “homosexualization” issues, connecting with Ugandan pastors Stephen Langa and Martin Ssempa. He served as a keynote speaker at a major seminar to address “the globalists who use the sexual revolution” and the “global homosexual movement.” He conducted seminars, media interviews, and met with members of the Kampala City Council, and mayor.  

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.”  

October 2004 | The government fined and forced the station Radio Simba to publicly apologize for hosting homosexuals and discussing issues related to the LGBTI community.  

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.  

July 6, 2005 | New Vision, 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.”  

July 20, 2005 | The police raided the home of prominent trans LGBTI activist, Victor Mukasa, and seized documents related to their work.  

September 29, 2005 | President Museveni signed a Constitutional amendment banning same-sex marriage and abolishing presidential term limits.  

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.”

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172 Id.
173 Id.
177 Gupta, *supra* note 17.
178 Mukasa, AHRLR 248, at 3.
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<th>Date</th>
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<tbody>
<tr>
<td>August 8, 2006</td>
<td><em>Red Pepper</em>, 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. <em>Red Pepper</em> listed the profession, the city of origin, and information on the friends and partners of those accused of being LGBTI. ¹⁸¹</td>
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<tr>
<td>September 7, 2006</td>
<td><em>Red Pepper</em> 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</td>
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<tr>
<td>September 8, 2006</td>
<td><em>Red Pepper</em> 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 [sic] in your neighborhood and we shall shame her.” The newspaper also gave its readers a special telephone number to call with tips. ¹⁸³</td>
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<tr>
<td>August 2007</td>
<td>Martin Ssempa, 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</td>
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<tr>
<td>August 21, 2007</td>
<td>Martin Ssempa organized a rally in Kampala “on behalf of victims of homosexuality.”¹⁸⁶ Radio One 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</td>
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<td>August 23, 2007</td>
<td>A website (<a href="http://kobsrugby.com/demo/">http://kobsrugby.com/demo/</a>) published an official statement by Ssempa, representative of the rally organizers, that listed Ugandan LGBTI rights activists by name. It posted their pictures and contacts, calling them “homosexual promoters.”¹⁸⁹</td>
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¹⁸² Ireland, supra note 181.


¹⁸⁵ Gupta, supra note 17, at 4.


¹⁸⁸ Id.

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<tr>
<td>August 30, 2007</td>
<td>The Ugandan Broadcasting Council suspended <em>Capital FM Radio</em> presenter Gaetano Kaggwa and program controller George Manyali for hosting gays and lesbians on their programs.</td>
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<td>September 6, 2007</td>
<td>Minister of Ethics and Integrity James Buturo, in an interview to the <em>Sunday Vision</em> 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.”</td>
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<tr>
<td>September 9, 2007</td>
<td><em>Red Pepper</em> continued to “out” LGBTI Ugandans with headlines that read: “Homo Terror! We name And Shame Top Gays In The City.”</td>
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<tr>
<td>September 2007</td>
<td>Martin Ssempa 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.”</td>
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<td>October 11, 2007</td>
<td>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.”</td>
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<td>December 16, 2007</td>
<td>A state-owned newspaper, <em>New Vision</em>, and a privately owned newspaper, the <em>Daily Monitor</em>, 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.”</td>
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<tr>
<td>December 18, 2007</td>
<td>Ethics and Integrity Minister, James Nsaba Buturo, compared homosexuality to Satan.</td>
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<tr>
<td>July 14, 2008</td>
<td>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.”</td>
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192 *Id.* (citing *Homo Terror! We Name And Shame Top Gays In The City*, The Red Pepper, Sept. 9, 2007).

193 *Id.*


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, *Butoro Tells Balokole*, New Vision (Dec. 18, 2007)).
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<tr>
<td>August 16, 2008</td>
<td>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 <em>mtumbavu</em> (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.”&lt;sup&gt;199&lt;/sup&gt;</td>
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<tr>
<td>March 5, 2009</td>
<td>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.&lt;sup&gt;200&lt;/sup&gt; 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.”&lt;sup&gt;201&lt;/sup&gt; 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.”&lt;sup&gt;202&lt;/sup&gt; Lively also advised his audience that gay people were responsible for the Holocaust and were “probably” responsible for the Rwandan genocide as well.&lt;sup&gt;203&lt;/sup&gt;</td>
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<td>March 15, 2009</td>
<td>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.&lt;sup&gt;204&lt;/sup&gt; 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</td>
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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.

| 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.” |
| 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.” Langa announced they would travel around the country to gather signatures for a petition to be delivered to the President and Parliament. Langa included a purported “ex-gay” man at the press conference who “confessed to recruiting school children into the practice” but who later reported he’d been offered money by Martin Ssempa to “switch sides.” |
| 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. |
| 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.” |
| April 19, 2009 | Red Pepper publicly “outed” prominent LGBTI Ugandans, especially activists and even non-LGBT allies, primarily in Kampala. |

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205 Blake, supra note 184.
206 Id.
207 Lively, supra note 200.
210 Id.
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<tr>
<th>Date</th>
<th>Event Description</th>
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</table>
| April 21, 2009 | Stephen Langa and Martin Ssempa 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.”

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| April 26, 2009 | The *Red Pepper* “outed” more LGBTI Ugandans under the headline “MORE HOMOS IN UGANDA NAMED.”

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| April 29, 2009 | 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. Martin Ssempa, Stephen Langa, and James Buturo were mentioned as being present in the Parliament when the bill was introduced.

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| June 8, 2009 | The Observer ran an article entitled “SODOMY BOOKS INVADE SCHOOLS” that raised alarm about a book on sexuality for teenagers published by UNICEF.

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| October 14, 2009 | Member of Parliament David Bahati tabled the Anti-Homosexuality Bill (the first version of the AHA) with the death penalty.

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218 Id.

continued to attempt parliamentary readings of this bill until its eventual passage without the death penalty provision, but with life imprisonment, in December 2013.

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>January 4, 2010</td>
<td>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.”</td>
</tr>
<tr>
<td>February 15, 2010</td>
<td>Martin Ssempa 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.</td>
</tr>
<tr>
<td>February 18, 2010</td>
<td>Martin Ssempa 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.</td>
</tr>
<tr>
<td>February 28, 2010</td>
<td>Member of Parliament Odonga Otto publicly stated that gays should suffer death by hanging and public stoning.</td>
</tr>
<tr>
<td>March 3, 2010</td>
<td>Lively sent a letter to Ugandan Parliament via Martin Ssempa 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.”</td>
</tr>
<tr>
<td>September 24, 2010</td>
<td>After giving interviews detailing his experiences as an LGBTI man and teacher in Uganda, Red Pepper 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.”</td>
</tr>
</tbody>
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### October 2010

*Rolling Stone* featured a list of 100 names of alleged gays and lesbians with pictures and addresses, and urged the public to “Hang Them.”


228 Id.


Some of those listed were attacked shortly after the story was published.

### November 1, 2010

*Rolling Stone* 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.

November 15, 2010  Rolling Stone accused homosexuals of plotting the July 2010 terror attacks in Kampala.232

December 30, 2010  Granting an injunction against Rolling Stone 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

April 5, 2011  Martin Ssempa 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

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232 Rice, supra note 227.
233 Throckmorton, supra note 233.
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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>May 11, 2011</td>
<td>Members of Parliament attempt to push the Anti-Homosexuality Bill up on Parliament’s agenda before the expiration of the Eighth Session. (^{236})</td>
</tr>
<tr>
<td>September 6, 2011</td>
<td>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})</td>
</tr>
<tr>
<td>October 25, 2011</td>
<td>Parliament voted to reopen debate on the Anti-Homosexuality Bill. (^{238})</td>
</tr>
<tr>
<td>February 7, 2012</td>
<td>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})</td>
</tr>
<tr>
<td>February 14, 2012</td>
<td>Minister of Ethics and Integrity Simon Lokendo 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}) Lokendo justified the raid by claiming the attendees were “recruiting people” and that “[y]ou cannot allow terrorists to organise and destroy your country.” (^{241})</td>
</tr>
<tr>
<td>June 10, 2012</td>
<td>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})</td>
</tr>
<tr>
<td>June 18, 2012</td>
<td>Minister of Ethics and Integrity Simon Lokendo 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})</td>
</tr>
<tr>
<td>June 20, 2012</td>
<td>Lokendo 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})</td>
</tr>
<tr>
<td>September 2012</td>
<td>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})</td>
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<th>Date</th>
<th>Event Description</th>
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| October 3, 2012 | Martin Ssempa 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.”
| 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.
| 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.” 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.”
| December 18, 2012 | State-owned NBS Morning Breeze talk show featured an interview of Pepe Onziema, a human rights activist and trans man, with surprise guest Martin Ssempa. 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.”
| 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.”
<p>| November 5, 2013 | Sam Ganafa, a prominent LGBTI activist and executive director of Spectrum Initiatives Uganda, 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. |</p>
<table>
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<tr>
<th>Date</th>
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<tr>
<td>December 20, 2013</td>
<td>Parliament passed the Anti-Homosexuality Act (AHA) with life imprisonment instead of the original death penalty.(^{254})</td>
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<tr>
<td>December 20, 2013</td>
<td>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})</td>
</tr>
<tr>
<td>February 6, 2014</td>
<td>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})</td>
</tr>
<tr>
<td>February 24, 2014</td>
<td>President Museveni signed the Anti-Homosexuality Act (AHA) into law.(^{257}) As international criticism of the AHA mounts, he declares homosexuals “disgusting.”(^{258})</td>
</tr>
<tr>
<td>February 24, 2014</td>
<td>Martin Ssempa organized a rally in the National Theater in Kampala in celebration of Museveni signing the AHA.(^{259})</td>
</tr>
<tr>
<td>February 25, 2014</td>
<td>One day after President Museveni signed the AHA, <em>Red Pepper</em> 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.</td>
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\(^{257}\) Karimi, *supra* note 254.

\(^{258}\) E.g., Landau et al., *supra* note 150.


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<th>Date</th>
<th>Event Description</th>
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<tr>
<td>March 1, 2014</td>
<td>Red Pepper published “Homo Cabinet List Leaks” featuring LGBT activists</td>
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<tr>
<td>March 2, 2014</td>
<td>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.</td>
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<tr>
<td>March 14, 2014</td>
<td>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. The President and MP David Bahati were present.</td>
</tr>
<tr>
<td>March 31, 2014</td>
<td>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.” While the clinic reopened after a brief suspension, it now offers scaled back services for the MSM (men who have sex with men)</td>
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262 Id.


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<thead>
<tr>
<th>Date</th>
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<tr>
<td>May 20, 2014</td>
<td>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.</td>
<td>Markham, supra note 263.</td>
</tr>
<tr>
<td>November 20, 2014</td>
<td>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.”</td>
<td>Chapter Four, supra note 93, at 2; Uganda Planning New Anti-Gay Law Despite Opposition, BBC News (Nov. 10, 2014), <a href="http://www.bbc.com/news/world-africa-29994678">http://www.bbc.com/news/world-africa-29994678</a>.</td>
</tr>
<tr>
<td>December 2, 2014</td>
<td>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.”</td>
<td>Paul Gonza, Gay Groups Targeting Church Leaders, Schools – Kadaga, Daily Monitor (Dec. 2, 2014), <a href="http://www.monitor.co.ug/News/National/Gay-groups-targeting-church-leaders--schools---Kadaga/-/10169wgz/-/index.html">http://www.monitor.co.ug/News/National/Gay-groups-targeting-church-leaders--schools---Kadaga/-/10169wgz/-/index.html</a>.</td>
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<tr>
<td>February 2015</td>
<td>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.”</td>
<td>Newsletter Issue No. 6, Human Rights Awareness and Promotion Forum at 5 (Jan. – Mar. 2015) <a href="http://www.hrhapf.org/sites/default/files/publications/15_07_01_final">http://www.hrhapf.org/sites/default/files/publications/15_07_01_final</a> hrhapf newsletter 6th issue h.pdf.</td>
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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.” Of the twelve indicators under this risk factor, six are present and three are likely to become present 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

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<th>Risk Factor 8: Triggering Factors</th>
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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

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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

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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.”).
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. The African Great Lakes Region is generally marked by deep instability, protracted conflict, and growing humanitarian crises. For example, the civil war in South Sudan has destabilized the region with an estimated 1.8 million South Sudanese displaced from their homes, and 453,600 refugees who have “fled to neighboring countries.” 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.

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. In addition, the practice of ‘cattle rustling’ and increasing competition over water and grazing land has contributed to inter- and intra-ethnic violence.

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

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


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


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

298 Id. at 22.


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.\textsuperscript{301} The international community has publicly condemned the Ugandan government for signing the Anti-Homosexuality Act (AHA) into law.\textsuperscript{302} The governments of the Netherlands, Norway and Denmark suspended foreign aid to Uganda while the World Bank delayed a $90 million loan.\textsuperscript{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.\textsuperscript{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.

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


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
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

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
<table>
<thead>
<tr>
<th>Years</th>
<th>Position</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-1978</td>
<td>Staff Physician</td>
<td>Bunker Hill Health Center</td>
</tr>
<tr>
<td>1975-1978</td>
<td>Staff Physician</td>
<td>Ambulatory Screening Clinic</td>
</tr>
<tr>
<td>1975-1978</td>
<td>Emergency Physician</td>
<td>Massachusetts General Hospital</td>
</tr>
<tr>
<td>1977-1978</td>
<td>Emergency Physician</td>
<td>Wing Memorial Hospital</td>
</tr>
<tr>
<td>1977-1978</td>
<td>Emergency Physician</td>
<td>Lowell General Hospital,</td>
</tr>
<tr>
<td>1977-1978</td>
<td>Emergency Physician</td>
<td>Harrington Memorial Hospital</td>
</tr>
<tr>
<td>1978-1984</td>
<td>Emergency Physician</td>
<td>Mount Auburn Hospital</td>
</tr>
<tr>
<td>1978-1984</td>
<td>Attending Physician</td>
<td>Mount Auburn Hospital</td>
</tr>
<tr>
<td>1982-1983</td>
<td>Emergency Physician</td>
<td>Newton-Wellesley Hospital</td>
</tr>
<tr>
<td>1982-1983</td>
<td>Attending Physician</td>
<td>Newton-Wellesley Hospital</td>
</tr>
<tr>
<td>1987-1983</td>
<td>Emergency Physician</td>
<td>Carney Hospital</td>
</tr>
<tr>
<td>1982-1983</td>
<td>Attending Physician</td>
<td>Carney Hospital</td>
</tr>
<tr>
<td>1984-1986</td>
<td>Attending Physician</td>
<td>Harvard Community Health Plan Hospital</td>
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<tr>
<td>1986-1987</td>
<td>Emergency Staff Physician</td>
<td>Harvard Community Health Plan Emergency Service</td>
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<tr>
<td>1986-1994</td>
<td>Associate Physician</td>
<td>Brigham and Women’s Hospital</td>
</tr>
<tr>
<td>1986-1994</td>
<td>Attending Physician</td>
<td>Brigham and Women’s Hospital</td>
</tr>
<tr>
<td>1994-2008</td>
<td>Physician</td>
<td>Brigham and Women’s Hospital</td>
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<tr>
<td>2008-</td>
<td>Visiting Physician</td>
<td>Brigham and Women’s Hospital</td>
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**OTHER ACADEMIC POSITIONS AND MAJOR VISITING APPOINTMENTS:**

<table>
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<tr>
<th>Dates</th>
<th>Position</th>
<th>Institution</th>
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<tbody>
<tr>
<td>07/05-06/08</td>
<td>Senior Advisor</td>
<td>International and Policy Studies</td>
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<td>Radcliffe Institute for Advanced Study</td>
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<tr>
<td>07/97-06/99</td>
<td>Senior Research Fellow</td>
<td>Population and International Health</td>
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<td>Harvard Center for Population and</td>
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<td></td>
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<td>Development Studies</td>
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<tr>
<td>07/91-06/99</td>
<td>Instructor</td>
<td>Health and Social Behavior</td>
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<td></td>
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<td>HSPH</td>
</tr>
<tr>
<td>07/86-06/94</td>
<td>Instructor</td>
<td>Medicine</td>
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</tr>
<tr>
<td>07/84-06/88</td>
<td>Visiting Scholar</td>
<td>Radcliffe College</td>
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<tr>
<td>07/83-06/84</td>
<td>Scholar-in-residence</td>
<td>Radcliffe College</td>
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<tr>
<td>07/80-06/86</td>
<td>Clinical Instructor</td>
<td>Medicine</td>
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</tr>
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**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
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
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
1979-1981 Chair, Executive Committee, Board of Directors

Physicians for Social Responsibility
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
<table>
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<tr>
<th>Year</th>
<th>Committee/Board</th>
<th>Institution/Location</th>
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<tr>
<td>1997-</td>
<td>Community Liaison Committee</td>
<td>Harvard Pilgrim Health Care Foundation</td>
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<td>1998-1999</td>
<td>Provost’s Peer Review Committee, University Health Services After Hours Program, Chair</td>
<td>Harvard University</td>
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<tr>
<td>1999-</td>
<td>University Student Health Services Coordinating Board, Chair</td>
<td>Harvard University</td>
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<tr>
<td>2000-</td>
<td>Institute for International Emergency Medicine and Health</td>
<td>Brigham and Women’s Hospital</td>
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<tr>
<td>2000-</td>
<td>Masters Degree Committee</td>
<td>HSPH</td>
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<tr>
<td>2000-2007</td>
<td>Advisory Board, Program on Humanitarian Policy and Conflict Research, Chair</td>
<td>HSPH</td>
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<tr>
<td>2000-</td>
<td>Executive Committee</td>
<td>University Health Services/Harvard University</td>
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<tr>
<td>2001-2010</td>
<td>Steering Committee</td>
<td>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</td>
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<tr>
<td>2001-2002</td>
<td>Ad hoc promotions committee, Chair</td>
<td>HSPH</td>
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<tr>
<td>2002-2003</td>
<td>Committee to Address Sexual Assault at Harvard, Chair</td>
<td>Harvard University</td>
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<tr>
<td>2002</td>
<td>Search Committee for Professor of Qualitative Methods</td>
<td>HSPH</td>
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<td>2002</td>
<td>Two ad hoc promotions committees</td>
<td>HSPH</td>
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<td>2002-05</td>
<td>Scientific Core, Director</td>
<td>Harvard School of Public Health Center for Public Health Preparedness</td>
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<td>2003-2004</td>
<td>Dean’s Advisory Committee on Sexual Assault at Harvard, Chair</td>
<td>Harvard College</td>
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<td>2003-2009</td>
<td>Fay Prize Committee</td>
<td>Radcliffe Institute for Advanced Study</td>
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<td>2004</td>
<td>Two ad hoc promotions committees, Chair</td>
<td>HSPH</td>
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<td>2005</td>
<td>Subcommittee on Women Faculty</td>
<td>HMS</td>
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<tr>
<td>2005</td>
<td>Search Committee for Professor of Social Medicine</td>
<td>HMS</td>
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<tr>
<td>2005</td>
<td>Search Committee for Professor of Demography</td>
<td>HSPH</td>
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</table>
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
### MAJOR ADMINISTRATIVE RESPONSIBILITIES:

<table>
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<tr>
<th>Year(s)</th>
<th>Role/Committee</th>
<th>Institution/Location</th>
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<tr>
<td>2012</td>
<td>Global Health and Population Competencies and Curriculum Committee</td>
<td>Department of Global Health and Population/HS PH</td>
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<tr>
<td>2012</td>
<td>Ad hoc promotions committee, Chair</td>
<td>Department of Global Health and Population/HS PH</td>
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<td>2012</td>
<td>Doctorate of Public Health Transformation Committee</td>
<td>HSPH</td>
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<td>2015</td>
<td>Committee to visit the College</td>
<td>Harvard University</td>
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<tr>
<th>Year(s)</th>
<th>Role/Committee</th>
<th>Institution/Location</th>
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<tbody>
<tr>
<td>1977-1978</td>
<td>Course Director and Director of Dog Laboratory, Emergency Medicine Essentials (medicine)</td>
<td>Massachusetts General Hospital</td>
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<tr>
<td>1977-1978</td>
<td>Co-Coordinator, Management of Medical and Surgical Emergencies (medicine)</td>
<td>Massachusetts General Hospital</td>
</tr>
<tr>
<td>1984-1992</td>
<td>Chief of Emergency Services</td>
<td>Harvard Community Health Plan</td>
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<tr>
<td>1988-1989</td>
<td>Special Assistant to the Medical Director</td>
<td>Harvard Community Health Plan</td>
</tr>
<tr>
<td>1989-1992</td>
<td>Director, Medical Program Evaluation</td>
<td>Harvard Community Health Plan</td>
</tr>
<tr>
<td>1995</td>
<td>Co-Director, Workshop on Psychosocial Needs of Children in War</td>
<td>UNICEF and Harvard Program on Human Security</td>
</tr>
<tr>
<td>1999</td>
<td>Co-Director, Workshop on Civilian Protection in War</td>
<td>Program on Human Security, Harvard University</td>
</tr>
<tr>
<td>1999-2005</td>
<td>Director, Program on Humanitarian Crises and Human Rights</td>
<td>François-Xavier Bagnoud Center for Health and Human Rights (FXB Center), HSPH</td>
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<tr>
<td>2000</td>
<td>Co-Director, Workshop on Role of Non-State Actors in Negotiating Humanitarian Protection</td>
<td>Harvard Center for Population and Development Studies</td>
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<tr>
<td>2000</td>
<td>Co-Director, Workshop on North-South Dialogue in Humanitarian Action</td>
<td>Harvard Center for Population and Development Studies</td>
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<td>2000-2005, 2012-</td>
<td>Course Co-Director, FXB Intensive Course on Health and Human Rights</td>
<td>HSPH</td>
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</table>
2001-2010  Director, Inter-University Initiative on  
         Humanitarian Studies and Field Practice  
         Harvard, MIT and Tufts  

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
## RESEARCH SUPPORT:

Past Funding (last 10 years):

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<tr>
<th>Year</th>
<th>Institution</th>
<th>Type</th>
<th>Project Description</th>
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<tr>
<td>2002-2003</td>
<td>Harvard University Asia Center</td>
<td>PI</td>
<td>Research Advisory Council Workshop: India, Pakistan, and Bangladesh: The Historical Demography of Partition</td>
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<td>2003</td>
<td>USAID &amp; Tufts University</td>
<td>Field Investigator</td>
<td>Famine Assessment in Ethiopia</td>
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<td>2003-2005</td>
<td>Private Donor</td>
<td>PI</td>
<td>Humanitarian Crises and Human Rights</td>
</tr>
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<td>2003-2004</td>
<td>Andrew W. Mellon Foundation</td>
<td>PI</td>
<td>A Demography Study of the Partition of India</td>
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<td>2003-2005</td>
<td>Andrew W. Mellon Foundation</td>
<td>PI</td>
<td>Inter-University Initiative on Humanitarian Studies and Field Practice</td>
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<td>2004</td>
<td>U.S. Agency for International Development</td>
<td>PI</td>
<td>Report on the Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan</td>
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<td>2005-2006</td>
<td>Massachusetts Institute of Technology</td>
<td>PI</td>
<td>Research on Disasters</td>
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<td>2005-2006</td>
<td>Private Donor</td>
<td>PI</td>
<td>Harvard Humanitarian Initiative</td>
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<td>2006-2010</td>
<td>U.S. Centers for Disease Control and Prevention and Harvard School of Public Health Center for Public Health Preparedness</td>
<td>Co-PI</td>
<td>The Long-Term Psychosocial and Economic Impact of Explosive Remnants of War</td>
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<td>2006</td>
<td>Fritz Institute</td>
<td>PI</td>
<td>Program Effectiveness Audit Tool Development: HIV/AIDS</td>
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<tr>
<td>2006-2010</td>
<td>Center for Disease Control</td>
<td>PI</td>
<td>The Long-Term Psychosocial and Economic Impact of Explosive Remnants of War</td>
</tr>
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<td>2006-2011</td>
<td>Weatherhead Center for International Affairs</td>
<td>PI</td>
<td>Partition of India</td>
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<td>2007-2009</td>
<td>Silicon Valley Community Foundation</td>
<td>PI</td>
<td>Crisis Mapping and Early Warning to Prevent Mass Atrocities</td>
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<td>2008</td>
<td>UN High Commissioner for Refugees</td>
<td>Consultant</td>
<td>Public Health Equity in Refugee Settings</td>
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<td>2008-2009</td>
<td>Humanity United</td>
<td>PI</td>
<td>Rapid Assessment of a Conflict Early Warning System Development Initiative for Liberia</td>
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<td>2009-2010</td>
<td>Brigham and Women's Hospital</td>
<td>Co-Investigator</td>
<td>Critical Interactions between the Global Fund supported HIV/AIDS and Tuberculosis programs and health systems</td>
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<td>2009-2011</td>
<td>Brigham and Women's Hospital</td>
<td>Co-Investigator</td>
<td>Developing a Strategic Framework</td>
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<td>2012-</td>
<td>Open Society Foundation</td>
<td>Co-Investigator</td>
<td>Health and Human Rights Resource Guide</td>
</tr>
<tr>
<td>2013-2014</td>
<td>UNICEF</td>
<td>Co-Investigator</td>
<td>Child Protection Curriculum Development</td>
</tr>
<tr>
<td>2014-</td>
<td>Hong Kong Jockey Club</td>
<td>Co-Investigator</td>
<td>Establishing evidence-based disaster preparedness and response in Hong Kong</td>
</tr>
</tbody>
</table>
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-  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
<table>
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<th>Year(s)</th>
<th>Event</th>
<th>Institution</th>
<th>Role</th>
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<tr>
<td>1993-2005</td>
<td>Human Health and Global Environmental Change</td>
<td>HMS</td>
<td>Guest Lecturer</td>
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<tr>
<td>1994</td>
<td>Health and Human Rights</td>
<td>HSPH</td>
<td>Guest Lecturer</td>
</tr>
<tr>
<td>1995</td>
<td>First Harvard Symposium on Complex Disasters</td>
<td>HMS</td>
<td>Lecturer for 2 day course</td>
</tr>
<tr>
<td>1996</td>
<td>Professionalism and Ethics in Managed Care: Patient Confidentiality in Managed Care Organizations</td>
<td>HMS / Harvard Pilgrim Health Care</td>
<td>Lecturer for two day course</td>
</tr>
<tr>
<td>1997</td>
<td>Emerging Infections: Impact of Complex Humanitarian Emergencies on New and Emerging Disease</td>
<td>Harvard Medical School</td>
<td>Guest Lecturer</td>
</tr>
<tr>
<td>1998-2004</td>
<td>Public Health Issues of Bioterrorism</td>
<td>HSPH</td>
<td>Course Director, Lecturer</td>
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<tr>
<td>1999-2004</td>
<td>Ethics of Research on Trapped Populations</td>
<td>HSPH</td>
<td>Guest Lecturer</td>
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<td>2001</td>
<td>Emergency Medicine in the 21st Century: The Role of Emergency Medicine in Refugee Settings</td>
<td>HMS</td>
<td>Guest Lecturer</td>
</tr>
<tr>
<td>2001-2002</td>
<td>Doctoral Dissertation Adviser for Theresa Stichick-Betancourt</td>
<td>HSPH</td>
<td></td>
</tr>
<tr>
<td>2001-2002</td>
<td>Methods, Norms and Operations: Humanitarian Studies I</td>
<td>HSPH</td>
<td>Course Director, Lecturer</td>
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<tr>
<td>2001-2002</td>
<td>Field Skills for Humanitarian Studies II</td>
<td>HSPH</td>
<td>Course Director, Lecturer</td>
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<tr>
<td>2002-2003</td>
<td>Introduction to the Practice of International Health</td>
<td>HSPH</td>
<td>Guest Lecturer</td>
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<td>2002-2003</td>
<td>Theory and Practice of Public Health in the US</td>
<td>HSPH</td>
<td>Guest Lecturer</td>
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<tr>
<td>2003</td>
<td>Globalization and Human Values: Envisioning World Community</td>
<td>Harvard College</td>
<td>Guest Lecturer</td>
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<tr>
<td>2003-2004</td>
<td>Master of Science Thesis Advisor for Melissa Cole</td>
<td>HSPH</td>
<td></td>
</tr>
<tr>
<td>2003-2004</td>
<td>Doctoral Dissertation Advisor for Lauralynn</td>
<td>HSPH</td>
<td></td>
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</tbody>
</table>
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
<table>
<thead>
<tr>
<th>Year</th>
<th>Course Title</th>
<th>Organization</th>
<th>Role</th>
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<tbody>
<tr>
<td>2011</td>
<td>Case Studies in Global Health: Biosocial Perspectives</td>
<td>Harvard College</td>
<td>Guest Lecturer</td>
</tr>
<tr>
<td>2012</td>
<td>Foundations in Humanitarian Studies</td>
<td>HSPH</td>
<td>Lecturer</td>
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<tr>
<td>2012</td>
<td>Field Methods in Humanitarian Crises II – Digital Methods</td>
<td>HSPH</td>
<td>Lecturer</td>
</tr>
<tr>
<td>2012</td>
<td>Essentials of International Human Rights and Humanitarian Law; Forced Migration in War and Disasters; Professional Norms</td>
<td>FXB Intensive Course on Health and Human Rights: Concepts, Implementation, and Impact, HSPH</td>
<td>Lecturer in CME Course</td>
</tr>
<tr>
<td>2014</td>
<td>Intensive Course on Health and Human Rights</td>
<td>CDC</td>
<td>Lecturer</td>
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</tbody>
</table>

**INVITED PRESENTATIONS:**

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
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, Emmittsburg, 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
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>1997</td>
<td>Giving Pain a Face and Granting Death a Name: International Humanitarian Law and the Responsibility of the Health Professional</td>
<td>Tenth Anniversary Celebration Physicians for Human Rights, Boston, MA</td>
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<td>1997</td>
<td>Complex Humanitarian Emergencies: The Medical and Public Health Response</td>
<td>75th Anniversary Symposium HSPH</td>
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<td>1998</td>
<td>Human Rights and STDs</td>
<td>Annual CDC STD Conference Dallas, TX</td>
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<td>1998</td>
<td>Pugwash Workshop on Ethics in Science and Medicine</td>
<td>Budapest and Debrecen, Hungary</td>
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<td>1998</td>
<td>Bellagio Conference on Globalization and Health</td>
<td>Bellagio, Italy</td>
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<td>1998</td>
<td>Human Rights in Humanitarian Practice</td>
<td>Medecins Sans Frontieres (MSF) Amsterdam, The Netherlands</td>
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<td>1998</td>
<td>Human Rights, Medical Ethics, and International Humanitarian Law Conference on Humanitarian Law and Current Conflicts</td>
<td>International Committee of the Red Cross, Harvard Law School</td>
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<td>1998</td>
<td>Disparities and Transgressions: The Domain of Health and Human Rights</td>
<td>Lecture</td>
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<td>Lecture</td>
<td>François-Xavier Bagnoud Center for Health and Human Rights, HSPH</td>
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<td>1998</td>
<td>Exodus and Exile: Refugees and Migration in War and Conflict</td>
<td>Symposium</td>
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<td>Exodus and Exile: Refugees and Migration in War and Conflict</td>
<td>EPIIC/Tufts University, Medford, MA</td>
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<td>1999</td>
<td>Leadership Advisory Committee on Research Ethics</td>
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<tr>
<td></td>
<td>Leadership Advisory Committee on Research Ethics</td>
<td>World Health Organization, Geneva, Switzerland</td>
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<td>1999</td>
<td>Population Response to Bioterrorism: Lessons for the European Command</td>
<td>Four-day seminar for 45 invited military and civilian experts</td>
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<td>Population Response to Bioterrorism: Lessons for the European Command</td>
<td>US Navy, Sicily, Italy</td>
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<td>1999</td>
<td>Advisory Committee on Research Ethics</td>
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<td>Advisory Committee on Research Ethics</td>
<td>World Health Organization, Geneva, Switzerland</td>
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<td>1999</td>
<td>Human Rights: Cultural Relativism and Humanitarian Relief</td>
<td>Five-day session for Médecins-Sans-Frontières leadership</td>
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<td>Human Rights: Cultural Relativism and Humanitarian Relief</td>
<td>Médecins-Sans-Frontières, The Netherlands</td>
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<td>1999</td>
<td>Overview of Human Rights in Kosovo</td>
<td>University of Massachusetts – Amherst, Amherst, MA</td>
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<td>1999</td>
<td>Feasibility of Conducting a Demographic Study of the Partition of India</td>
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<td></td>
<td>Feasibility of Conducting a Demographic Study of the Partition of India</td>
<td>MIT/Mellon seminar series</td>
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<td>Feasibility of Conducting a Demographic Study of the Partition of India</td>
<td>Cambridge, MA</td>
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<td>1999</td>
<td>New Developments in Emergency Medicine</td>
<td>Seminar Series on Quality in US Health Care</td>
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<td>New Developments in Emergency Medicine</td>
<td>Harvard Medical School</td>
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<td>1999</td>
<td>Conflict in Kosovo</td>
<td>Seminar Series on Quality in US Health Care</td>
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<td></td>
<td>Conflict in Kosovo</td>
<td>JFK School of Government, Harvard University</td>
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<td>1999</td>
<td>Issues of Post-Conflict Reconstruction: The Case of Kosovo</td>
<td>Seminar Series</td>
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<td></td>
<td>Issues of Post-Conflict Reconstruction: The Case of Kosovo</td>
<td>Center for Population and Development Studies, Harvard University</td>
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<tr>
<td>1999</td>
<td>Humanitarian Crises and Human Rights</td>
<td>Takemi Seminar Series</td>
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<td>Humanitarian Crises and Human Rights</td>
<td>HSPH</td>
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<td>1999</td>
<td>Public Health Response to War-Affected Populations</td>
<td>Student-Faculty Seminar on War and Public Health</td>
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<td>Public Health Response to War-Affected Populations</td>
<td>HSPH</td>
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<td>1999</td>
<td>Workshop on Humanitarian Dilemmas in Kosovo</td>
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</table>
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  
Roundtable 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
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

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

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
<table>
<thead>
<tr>
<th>Year</th>
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<tr>
<td>2003</td>
<td>Human Security and Humanitarian Crises Health Policy Session</td>
<td>Center for Population and Development Studies, Harvard University</td>
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<td>2003</td>
<td>Challenges of Disaster Management Education</td>
<td>Georgetown University, Washington, DC</td>
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<td>Compassion in War Meeting of principal investigators</td>
<td>Fetzer Institute, Chicago, IL</td>
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<td>Human Rights Issues for Special Operations Forces</td>
<td>Carr Center for Human Rights Policy / JFK Special Warfare Center, Fort Bragg, Fayetteville, NC</td>
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<td>2003</td>
<td>Public Health Leadership in Crisis Settings</td>
<td>Second Annual Partnership Conference on Public Health Law Centers for Disease Control, Atlanta, GA</td>
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<td>Post-War Reconstruction</td>
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<td>The National Academies, Washington, DC</td>
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<td>International Health Policy Keynote Lecture, Annual Meeting of Emergency Physicians, Partners Health Care Emergency, Brigham and Women's Hospital</td>
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<td>2004</td>
<td>Humanitarian Protection: Concepts and Strategies in Post-War Iraq</td>
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2004 Applying the Genocide Convention: The Case of Darfur
Lecture
Center for Middle East 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
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<td>American Academy of Arts and Sciences</td>
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<td>Reverse site visit of the Harvard School of Public Health Center or Public Health Preparedness Centers for Disease Control, Boston, MA</td>
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<td>2004-2005</td>
<td>Public Health Response to Emergencies Lecture</td>
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<td>2004-2005</td>
<td>Field Research Methods Lecture</td>
<td>Fletcher School of International Law and Diplomacy</td>
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<td>International Conflict and Mental Health: Current State of Understanding Psychiatry Resident Seminars</td>
<td>Cambridge Hospital</td>
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<td>2005</td>
<td>Human Security in Crisis and Transition Conference on The Future of Human Security: Challenges, Capability, Identity</td>
<td>Pell Center for International Relations and Public Policy of Salve Regina University, Newport, RI</td>
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<td>2005</td>
<td>Seminar on Governance and Social Involution surrounding HIV/AIDS</td>
<td>Harvard Initiative for Global Health, Harvard University</td>
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<td>The Darfur Disaster and International Response Seminar series</td>
<td>Harvard Center for Population and Development Studies, Harvard University</td>
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<td>Public Health in War and Disaster: Commonalities and Differences Forum on the Asian Tsunami, Humanitarian Response to the Asian Tsunami: Lessons Learned and Relearned</td>
<td>HSPH</td>
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<td>2005</td>
<td>Public Health and the Impact of War on Populations Fisher Dinner</td>
<td>Harvard Graduate School of Arts and Sciences</td>
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<td>2005</td>
<td>Current Health Issues and Medical Challenges in Darfur Darfur Panel</td>
<td>HMS</td>
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<td>Research Ethics and Obligations to Protect Third Millennium Foundation Workshop Committee on Human Rights, Harvard University</td>
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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
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
2009  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
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

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Peer Reviewed Publications

2. Link JL. "Emergency response to nuclear accident/attack." Journal of the World Association of


9. Wilkinson J, Sansby S, Leaning J. “After-hours telephone triage: recruitment, training and retention of


Books, Book Chapters and Monographs:


Development and/or publication of educational materials


16. Leaning J. Report of the Dean’s Advisory Committee on sexual assault at Harvard. Submitted to Faculty of Arts and Sciences Spring 2003.


Non-print materials


Exhibit B
Framework of Analysis for ATROCITY CRIMES

A tool for prevention
Framework of Analysis for ATROCITY CRIMES

A tool for prevention

United Nations, 2014
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: genocides, 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 Conventions\(^1\), 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.\(^4\)

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, ethnic, 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

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\(^1\) 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.
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, includ-
ing 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 per-
sonnel, 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
cri mes?

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 conse-
quences 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 resolu-
tions 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 cri-
es, the rebuilding of nations and the building of sus-
tainable 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 commit-
ted within their own borders are another way of fulfill-
ing 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.

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**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.**

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**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.

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

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.
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
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.
## II. FRAMEWORK OF ANALYSIS FOR ATROCITY CRIMES

### COMMON RISK FACTORS

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

### SPECIFIC RISK FACTORS

#### Genocide

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Intergroup tensions or patterns of discrimination against protected groups</td>
</tr>
<tr>
<td>10</td>
<td>Signs of an intent to destroy in whole or in part a protected group</td>
</tr>
</tbody>
</table>

#### Crimes against humanity

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Signs of a widespread or systematic attack against any civilian population</td>
</tr>
<tr>
<td>12</td>
<td>Signs of a plan or policy to attack any civilian population</td>
</tr>
</tbody>
</table>

#### War crimes

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Serious threats to those protected under international humanitarian law</td>
</tr>
<tr>
<td>14</td>
<td>Serious threats to humanitarian or peacekeeping operations</td>
</tr>
</tbody>
</table>
RISK FACTOR 1

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

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

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>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.</td>
</tr>
<tr>
<td>2.2</td>
<td>Past acts of genocide, crimes against humanity, war crimes or their incitement.</td>
</tr>
<tr>
<td>2.3</td>
<td>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.</td>
</tr>
<tr>
<td>2.4</td>
<td>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.</td>
</tr>
<tr>
<td>2.5</td>
<td>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.</td>
</tr>
<tr>
<td>2.6</td>
<td>Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.</td>
</tr>
<tr>
<td>2.7</td>
<td>Politicization or absence of reconciliation or transitional justice processes following conflict.</td>
</tr>
<tr>
<td>2.8</td>
<td>Widespread mistrust in State institutions or among different groups as a result of impunity.</td>
</tr>
</tbody>
</table>

## 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

**Weakness of State structures**

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

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.1</strong> 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.</td>
</tr>
<tr>
<td><strong>3.2</strong> National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.</td>
</tr>
<tr>
<td><strong>3.3</strong> Lack of an independent and impartial judiciary.</td>
</tr>
<tr>
<td><strong>3.4</strong> Lack of effective civilian control of security forces.</td>
</tr>
<tr>
<td><strong>3.5</strong> High levels of corruption or poor governance.</td>
</tr>
<tr>
<td><strong>3.6</strong> Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims.</td>
</tr>
<tr>
<td><strong>3.7</strong> 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.</td>
</tr>
<tr>
<td><strong>3.8</strong> Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards.</td>
</tr>
<tr>
<td><strong>3.9</strong> Lack of resources for reform or institution-building, including through regional or international support.</td>
</tr>
<tr>
<td><strong>3.10</strong> Insufficient resources to implement overall measures aimed at protecting populations.</td>
</tr>
</tbody>
</table>

**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 undoubtely 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.

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.1</strong> Political motives, particularly those aimed at the attainment or consolidation of power.</td>
</tr>
<tr>
<td><strong>4.2</strong> Economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources.</td>
</tr>
<tr>
<td><strong>4.3</strong> Strategic or military interests, including those based on protection or seizure of territory and resources.</td>
</tr>
<tr>
<td><strong>4.4</strong> Other interests, including those aimed at rendering an area homogeneous in its identity.</td>
</tr>
<tr>
<td><strong>4.5</strong> Real or perceived threats posed by protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause.</td>
</tr>
<tr>
<td><strong>4.6</strong> Real or perceived membership of or support for armed opposition groups, by protected groups, populations or individuals.</td>
</tr>
<tr>
<td><strong>4.7</strong> Ideologies based on the supremacy of a certain identity or on extremist versions of identity.</td>
</tr>
<tr>
<td><strong>4.8</strong> Politicization of past grievances, tensions or impunity.</td>
</tr>
<tr>
<td><strong>4.9</strong> 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.</td>
</tr>
</tbody>
</table>

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.
Capacity to commit atrocity crimes

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

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement.</td>
</tr>
<tr>
<td>5.2 Capacity to transport and deploy personnel and to transport and distribute arms and ammunition.</td>
</tr>
<tr>
<td>5.3 Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them.</td>
</tr>
<tr>
<td>5.4 Strong culture of obedience to authority and group conformity.</td>
</tr>
<tr>
<td>5.5 Presence of or links with other armed forces or with non-State armed groups.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>5.7 Financial, political or other support of influential or wealthy national actors.</td>
</tr>
<tr>
<td>5.8 Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.1</strong> 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.</td>
</tr>
<tr>
<td><strong>6.2</strong> Lack of a strong, organized and representative national civil society and of a free, diverse and independent national media.</td>
</tr>
<tr>
<td><strong>6.3</strong> Lack of interest and focus of international civil society actors or of access to international media.</td>
</tr>
<tr>
<td><strong>6.4</strong> Lack of or limited presence of the United Nations, INGOs or other international or regional actors in the country and with access to populations.</td>
</tr>
<tr>
<td><strong>6.5</strong> Lack of membership and effective participation of the State in international or regional organizations that establish mandatory membership obligations.</td>
</tr>
<tr>
<td><strong>6.6</strong> Lack of exposure, openness or establishment of political or economic relations with other States or organizations.</td>
</tr>
<tr>
<td><strong>6.7</strong> Limited cooperation of the State with international and regional human rights mechanisms.</td>
</tr>
<tr>
<td><strong>6.8</strong> Lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community.</td>
</tr>
<tr>
<td><strong>6.9</strong> 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.</td>
</tr>
<tr>
<td><strong>6.10</strong> 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.</td>
</tr>
<tr>
<td><strong>6.11</strong> Lack of an early warning mechanism relevant to the prevention of atrocity crimes.</td>
</tr>
</tbody>
</table>

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.
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.

<table>
<thead>
<tr>
<th>Indicators</th>
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<tbody>
<tr>
<td>8.1</td>
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<td>8.11</td>
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<tr>
<td>8.12</td>
</tr>
</tbody>
</table>

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.
**Intergroup tensions or patterns of discrimination against protected groups**

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.

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.1</strong> Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups.</td>
</tr>
<tr>
<td><strong>9.2</strong> Denial of the existence of protected groups or of recognition of elements of their identity.</td>
</tr>
<tr>
<td><strong>9.3</strong> History of atrocity crimes committed with impunity against protected groups.</td>
</tr>
<tr>
<td><strong>9.4</strong> 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.</td>
</tr>
<tr>
<td><strong>9.5</strong> 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.</td>
</tr>
<tr>
<td><strong>9.6</strong> Lack of national mechanisms or initiatives to deal with identity-based tensions or conflict.</td>
</tr>
</tbody>
</table>

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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

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1</td>
<td>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.</td>
</tr>
<tr>
<td>10.2</td>
<td>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.</td>
</tr>
<tr>
<td>10.3</td>
<td>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.</td>
</tr>
<tr>
<td>10.4</td>
<td>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.</td>
</tr>
<tr>
<td>10.5</td>
<td>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.</td>
</tr>
<tr>
<td>10.6</td>
<td>Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group.</td>
</tr>
<tr>
<td>10.7</td>
<td>Expressions of public euphoria at having control over a protected group and its existence.</td>
</tr>
<tr>
<td>10.8</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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.
## Signs of a widespread or systematic attack against any civilian population

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

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>Signs of patterns of violence against civilian populations, or against members of an identifiable group, their property, livelihoods and cultural or religious symbols.</td>
</tr>
<tr>
<td>11.2</td>
<td>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.</td>
</tr>
<tr>
<td>11.3</td>
<td>Increase in the level of organization or coordination of violent acts and weapons used against a civilian population.</td>
</tr>
<tr>
<td>11.4</td>
<td>Use of the media or other means to provoke or incite to violent acts.</td>
</tr>
<tr>
<td>11.5</td>
<td>Signs of a plan or policy to conduct attacks against civilian populations.</td>
</tr>
<tr>
<td>11.6</td>
<td>Establishment of new political or military structures that could be used to commit violent acts.</td>
</tr>
<tr>
<td>11.7</td>
<td>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.</td>
</tr>
<tr>
<td>11.8</td>
<td>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.</td>
</tr>
</tbody>
</table>

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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.

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12.1</strong> 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.</td>
</tr>
<tr>
<td><strong>12.2</strong> Adoption of discriminatory security procedures against different groups of the civilian population.</td>
</tr>
<tr>
<td><strong>12.3</strong> 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.</td>
</tr>
<tr>
<td><strong>12.4</strong> 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.</td>
</tr>
<tr>
<td><strong>12.5</strong> Preparation and use of significant public or private resources, whether military or other kinds.</td>
</tr>
<tr>
<td><strong>12.6</strong> Access to and use of weaponry or other instruments not easily obtained inside the country.</td>
</tr>
<tr>
<td><strong>12.7</strong> Preparation or mobilization of armed forces en masse against civilian populations.</td>
</tr>
<tr>
<td><strong>12.8</strong> 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.</td>
</tr>
<tr>
<td><strong>12.9</strong> 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.</td>
</tr>
<tr>
<td><strong>12.10</strong> Involvement of State institutions or high-level political or military authorities in violent acts.</td>
</tr>
</tbody>
</table>

**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 law**

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

<table>
<thead>
<tr>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1 Fragmentation of parties to the conflict or disintegration or absence of chains of command within them.</td>
</tr>
<tr>
<td>13.2 Mistrust between opposing parties based on past or present breaches of commitments or agreements.</td>
</tr>
<tr>
<td>13.3 Increased radicalization or extremism of opposing parties within a conflict.</td>
</tr>
<tr>
<td>13.4 Promotion of ethnicity or religion as a determinant of national allegiance or allegiance to a party of the conflict.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>13.12 Refusal to acknowledge detentions or places of detention or to allow visits by delegates of the International Committee of the Red Cross.</td>
</tr>
</tbody>
</table>
### 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. |

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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.

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**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 preventative 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.

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.1</td>
<td>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.</td>
</tr>
<tr>
<td>14.2</td>
<td>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.</td>
</tr>
<tr>
<td>14.3</td>
<td>Increased intensity of the conflict and scarcity of livelihoods or other resources.</td>
</tr>
<tr>
<td>14.4</td>
<td>Fragmentation of parties to the conflict or disintegration of chains of command within them.</td>
</tr>
<tr>
<td>14.5</td>
<td>Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel.</td>
</tr>
<tr>
<td>14.6</td>
<td>Tampering with or removal of signs identifying protected objects or locations where humanitarian or peacekeeping operations are stationed or providing support.</td>
</tr>
<tr>
<td>14.7</td>
<td>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.</td>
</tr>
<tr>
<td>14.8</td>
<td>Attacks against locations in close proximity to humanitarian or peacekeeping operations and personnel, or on the routes taken by them during their activities.</td>
</tr>
<tr>
<td>14.9</td>
<td>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.</td>
</tr>
<tr>
<td>14.10</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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.
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 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;

(xvi) Pillaging a town or place, even when taken by assault;

(xvii) Employing poison or poisoned weapons;

(xviii) 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;

(xxii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxiii) 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;

(xxiv) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;

(xxv) 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;

(xxvi) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

(xxvii) 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:


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


“... 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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