



Security Council

Provisional
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United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Reaffirming the Charter of the United Nations, the Universal Declaration of Human Rights, and the Convention on the Prevention and Punishment of the Crime of Genocide (Convention),

Recalling that States bear the primary responsibility to protect civilians and that they must respect and ensure the human rights of all individuals within their territory and subject to their jurisdiction, as provided for by relevant rules of international law, and further, *reaffirming* the primary responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity,

Recalling the primary responsibility of the Security Council for the maintenance of international peace and security and *expressing its determination* to prevent genocide,

Recalling all judgments of the International Criminal Tribunal for the Former Yugoslavia (ICTY), as established by resolution 808 (1993) and subsequent resolutions to prosecute persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia since 1991, and further recalling its Appeals Chamber judgment of 19 April 2004 (The Prosecutor vs. Krstic) which held that genocide was committed at Srebrenica in 1995, and the judgment of the International Court of Justice (ICJ) of 26 February 2007 concluded that the acts committed at Srebrenica were acts of genocide,

Noting that this year marks the twentieth anniversary of the genocide at Srebrenica, in which over 8,000 lives were lost, thousands were displaced, and families and communities were devastated,

Noting that Srebrenica and its surroundings was declared as a safe area pursuant to its resolutions 819 (1993) and 836 (1993); *acknowledging* the enduring need for the Security Council and Member States to strengthen further the protection of civilians in armed conflict; and *emphasizing* that the United Nations, including the Security Council, should heed early warning indications of potential genocide and ensure prompt and effective action to prevent or end genocide, in accordance with the Charter of the United Nations,

Recognising that there were innocent victims on all sides during the conflict in Bosnia and Herzegovina, including in Srebrenica and surrounding areas,

Stressing the important role in genocide prevention of the Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect (Special Advisers), whose functions include acting as an early warning mechanism to prevent potential situations that could result in genocide, crimes against humanity, war crimes and ethnic cleansing, and the United Nations High Commissioner for Human Rights; and *recognizing* the role regular briefings on human rights and international humanitarian law violations as well as hate speech and incitement play in contributing to early awareness of potential genocide,

Welcoming the new Framework of Analysis developed by the Office of the Special Advisers as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and sub-regional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Further recalling the responsibility of all Member States to comply with their respective obligations to end impunity and to investigate and prosecute those responsible for genocide, crimes against humanity, war crimes or other serious violations of international humanitarian law and noting that the fight against impunity for the most serious crimes of international concern committed against civilians has been strengthened through the work on and prosecution of these crimes by the International Criminal Court, in accordance with the principle of complementarity to national criminal jurisdictions as set out in the Rome Statute, ad hoc and mixed tribunals and specialized chambers in national tribunals,

Noting that the prosecution of persons responsible for genocide and other international crimes in the ICTY and national justice systems, including the Court of Bosnia and Herzegovina, remains central to the process of national reconciliation and to the restoration and maintenance of peace in Bosnia and Herzegovina, and further *welcoming* the strong regional cooperation between national prosecutors' offices instrumental in fostering peace, justice, truth and reconciliation among countries in the region,

Noting that it is estimated that there were thousands of cases of sexual violence with victims on all sides during the conflict in Bosnia and Herzegovina, including at Srebrenica; *further noting* that rape and other forms of sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide; and *recalling* that rape and other forms of sexual violence in armed conflict are war crimes and constitute grave breaches of the Geneva Conventions and the Additional Protocol I thereto,

1. *Condemns in the strongest terms* genocide and all violations and abuses of human rights and all violations of international humanitarian law;

2. *Condemns in the strongest terms* the crime of genocide at Srebrenica as established by judgments of the ICTY and ICJ and all other proven war crimes and crimes against humanity committed in the course of the conflict in Bosnia and Herzegovina;

3. *Agrees* that acceptance of the tragic events at Srebrenica as genocide is a prerequisite for reconciliation, calls upon political leaders on all sides to acknowledge and accept the fact of proven crimes as established by the courts, and in this context, *condemns* denial of this genocide as hindering efforts towards reconciliation, and *recognises* also that continued denial is deeply distressing for the victims;

4. *Expresses its sympathy* for and solidarity with the victims on all sides of the conflict in Bosnia and Herzegovina, including those in Srebrenica, and for their families, and calls on the responsible authorities in Bosnia and Herzegovina to provide justice to the victims and long-term support to survivors, including survivors of sexual violence;

5. *Reaffirms* once again its support for the Peace Agreement negotiated in Dayton and signed in Paris on 14 December 1995, as well as for the Agreement on implementing the Federation of Bosnia and Herzegovina signed in Dayton on 10 November 1995 (S/1995/1021, annex) and calls upon the parties to comply strictly with their obligations under those Agreements;

6. *Underscores* the fundamental importance of reconciliation based upon dialogue, acceptance of past actions by all sides in the conflict and commitment to justice and support for the victims, as a basis for strengthening security, stability and prosperity both in Bosnia and Herzegovina and in the wider region; and to this end *welcomes* the recent agreement by the Parliament and political leaders of Bosnia and Herzegovina to an ambitious reform agenda, which includes a commitment to measures to accelerate the reconciliation process, and *encourages* all citizens of Bosnia and Herzegovina to work together to promote peace, justice, tolerance, and reconciliation;

7. *Welcomes* the work of the International Commission on Missing Persons and its assistance to the governments of Bosnia and Herzegovina, and of the wider region, in locating and identifying the remains of victims on all sides, which has made an essential contribution to bringing perpetrators to justice;

8. *Emphasizes* the important role that women and civil society, including women's organizations and formal and informal community leaders, can play in mediation and post-conflict resolution; *reiterating* the continuing need to increase success in preventing conflict by increasing the participation of women at all stages of mediation and post-conflict resolution and by increasing the consideration of gender-related issues in all discussions pertinent to conflict prevention;

9. *Calls upon* States to prevent and fight against genocide, and other serious crimes under international law, *reaffirms* paragraphs 138 and 139 of the 2005 World Summit Outcome Document (A/RES/60/1) on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

10. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority, and, where necessary, to enact national legislation in order to meet their obligations under that Convention;

11. *Welcomes* efforts to investigate and prosecute all those accused of serious violations of international humanitarian law during the conflict in Bosnia and Herzegovina, including the genocide at Srebrenica, *calls upon* all States to cooperate with the ICTY, the International Residual Mechanism for Criminal Tribunals and national justice systems, including the Court of Bosnia and Herzegovina, and *requests* the ICTY to complete its work as expeditiously as possible, as a vital contribution to promoting peace, justice, truth and reconciliation;

12. *Urges* Member States to develop educational programmes that will instil in future generations the lessons learned from past genocides, war crimes, ethnic

cleansing and crimes against humanity in order to help prevent their recurrence, as appropriate;

13. *Encourages* Member States to consider designating national focal points to address the protection of civilians from atrocities through effective prevention and response and could meet regularly and coordinate steps to share best practices on rapid response and atrocity prevention with other Member States, and relevant regional and sub-regional mechanisms that work to prevent and respond to mass atrocities, the Special Advisors, and other relevant United Nations bodies, and acknowledges in this regard the global network of national focal points on the responsibility to protect;

14. *Reaffirms* the importance of the lessons to be learned from the United Nations failures in preventing the genocide at Srebrenica, as set out in the report of the Secretary-General pursuant to General Assembly resolution 53/35 (A/54/549), and the call contained in the report for the international community to do its utmost not to allow such horrors to recur, and *resolves* to take early and effective action to prevent the recurrence of such a tragedy and to that end to employ all appropriate means at its disposal, in accordance with the Charter of the United Nations;

15. *Acknowledges* that serious violations or abuses of international human rights or serious violations of international humanitarian law, including those involving sexual and gender-based violence, can be an early indication of a descent into genocide, and in this regard welcomes the United Nations' efforts to improve its collective response to future risks of violations and abuses of international human rights and violations of international humanitarian law through Human Rights Up Front;

16. *Requests* the Secretary-General to ensure greater collaboration between existing early warning mechanisms for genocide prevention and other serious international crimes, in order to help to detect, assess and respond to sources of tension and points of risks or identify vulnerable populations, and *encourages* the Secretary-General to continue to refer to the Council information and analyses which he believes could contribute in this regard.