

PRESIDIUM MODEL UN CONFERENCE 2017

*“Prevention and Countering Violent Extremism
with special Emphasis on Human Rights Defenders, Journalists and LGBT Community.”*



***UNITED NATIONS
HUMAN RIGHTS COUNCIL (UNHRC)***

Introduction

In recent years, terrorist groups such as Islamic State in Iraq and the Levant (ISIL), Al-Qaida and Boko Haram have shaped our image of violent extremism and the debate on how to address this threat. These groups’ message of intolerance — religious, cultural, social — has had drastic consequences for many regions of the world. Holding territory and using social media for the global and real-time communication of their ideas and exploits, they seek to challenge our shared values of peace, justice and human dignity. The spread of violent extremism has further aggravated an already unprecedented humanitarian crisis which surpasses the boundaries of any one region. Millions of people have fled the territory controlled by terrorist and violent extremist groups. Migratory flows have increased both away from and towards the conflict zones, involving those seeking safety and those lured into the conflict as foreign terrorist fighters, further destabilizing the regions concerned. While the Plan of Action has been developed within this context, it is intended to address violent extremism in all its forms and wherever it occurs.

Nothing can justify violent extremism but we must also acknowledge that it does not arise in a vacuum. Narratives of grievance, actual or perceived injustice, promised empowerment and sweeping change become attractive where human rights are being violated, good governance is being ignored and aspirations are being crushed. Violent extremists have been able to recruit over 30,000 foreign terrorist fighters from over 100 Member States to travel to the Syrian Arab Republic and Iraq, as well as to Afghanistan, Libya and Yemen. Some of them will no doubt be horrified by what they see and anxious to put the experience behind them, but others have already returned to their home countries — and more will undoubtedly follow — to spread hatred, intolerance and violence in their own communities.

Over the past two decades, the international community has sought to address violent extremism primarily within the context of security-based counter-terrorism measures adopted in response to the threat posed by Al-Qaida and its affiliated groups. However, with the emergence of a new generation of groups, there is a growing international consensus that such counter-terrorism measures have not been sufficient to prevent the spread of violent extremism. Violent extremism encompasses a wider category of manifestations and there is a risk that a conflation of the two terms may lead to the justification of an overly broad application of counter-terrorism measures, including against forms of conduct that should not qualify as terrorist acts.

In its resolution 2178 (2014), the Security Council makes explicit the link between violent extremism and terrorism, underscores the importance of measures being in line with international norms and recognizes the need for prevention: “violent extremism, which can be conducive to terrorism”, requires collective efforts, “including preventing radicalization, recruitment and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters”. In that resolution, the Council “calls upon Member States to enhance efforts to counter this kind of violent extremism”, recognizing that “international cooperation and any measures taken by Member States to prevent and combat terrorism must comply fully with the Charter of the United

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Nations”. Definitions of “terrorism” and “violent extremism” are the prerogative of Member States and must be consistent with their obligations under international law, in particular international human rights law. Just as the General Assembly has taken a practical approach to counterterrorism through the adoption by consensus of the United Nations Global CounterTerrorism Strategy, this Plan of Action pursues a practical approach to preventing violent extremism, without venturing to address questions of definition.

There is a need to take a more comprehensive approach which encompasses not only ongoing, essential security-based counter-terrorism measures, but also systematic preventive measures which directly address the drivers of violent extremism that have given rise to the emergence of these new and more virulent groups. In the Charter of the United Nations, Member States resolved to “take effective collective measures for the prevention and removal of threats to the peace”. I have made it a priority to re-energize the Organization’s prevention agenda, especially with respect to preventing armed conflict, atrocities, disasters, violence against women and children, and conflict-related sexual violence, and have launched a dedicated initiative to place human rights upfront.

On 15 January 2016 the Secretary-General presented a Plan of Action to Prevent Violent Extremism to the General Assembly.

On 12 February 2016, the General Assembly adopted a resolution that “welcomes the initiative by the Secretary-General, and takes note of his Plan of Action to Prevent Violent Extremism”. The General Assembly decided to “give further consideration to the Plan of Action to Prevent Violent Extremism beginning in the Global Counter-Terrorism Strategy review in June 2016 as well as in other relevant forums”. The Assembly concluded its general debate on the plan of action to prevent violent extremism on 16 February.

Co-hosted by the Government of Switzerland and the United Nations, the Geneva Conference on Preventing Violent Extremism – The Way Forward took place on 7 and 8 April 2016 at the United Nations Office at Geneva. Building upon the February formal debate of the General Assembly, the Geneva Conference provided an opportunity for the international community to share experiences and good practices in addressing the drivers of violent extremism and to build support for the Secretary-General’s Plan of Action. The first day of the conference day was dedicated to a meeting of senior experts. The second day was the high-level segment of the Conference including interventions at the ministerial level. Heads of international and regional organizations and heads of UN agencies also participated in the discussions on action at the national, regional and global level.

On 1 July 2016, the United Nations General Assembly adopted by consensus, resolution (A/RES/70/291) on the Fifth Review of Global Counter-Terrorism Strategy reinforcing global consensus in the fight against terrorism and violent extremism. The General Assembly recognized the importance of preventing violent extremism as and when conducive to terrorism and, recommended that Member States consider the implementation of relevant recommendations of the Secretary-General’s Plan of Action to Prevent Violent Extremism, as applicable to the national context.

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In its resolution 30/15, the Human Rights Council also requested "the Office of the High Commissioner to prepare a compilation report on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism by the thirty-third session of the Council, and encourages the Office to consult with Member States, United Nations entities and other organizations, as appropriate, to benefit from ongoing relevant work on the human rights dimensions of preventing and countering violent extremism." On 18 January 2016, the Office of the High Commissioner for Human Rights requested input from Member States, United Nations agencies, international organizations and non-governmental organizations, which is available for consultation below, as well as the compilation report.

Journalists in war-torn areas

The world is witnessing the reign of terror these groups have unleashed in areas under their control under which journalists have been among their primary targets for years in Iraq and Syria. For the last three years, journalists have been targeted, kidnapped and murdered by the many militias fighting in Iraq and across in Syria.

More than 350 journalists and media workers, Iraqi and foreign reporters alike, lost their lives to violence in Iraq since the country's invasion of 2003. They include at least 13 killed in 2013, five of whom were killed in one incident at their place of work on 23 December last year, when gunmen carried out a suicide attack on the headquarters of Salaheddin TV in the northern Iraqi city of Tikrit. Six more journalists have been killed since the start of this year.

The International Federation of Journalists, working with our member in the country, the Iraqi Journalists' Syndicate, has since been campaigning to secure justice for the victims and their families.

We welcome the unified reaction of the international community in calling for the IS killers of American journalist James Foley to be held accountable. However, we regret the lack of urgency in investigating the hundreds of journalists' murders in Iraq which remain unresolved to this day.

Even during the years of the country's steady recovery and return to peace, there seemed to be no end to the long waiting of killed journalists' families to see justice. Some states, members of the coalition in the Iraqi invasion and whose forces were involved in incidents which led to journalists' killings, also refused to investigate these killings or cooperate in identifying those responsible.

A case in point is the failure by the United States to order independent investigations of numerous incidents in which journalists lost their lives at the hand of the US military, including the attack on Hotel Palestine on 8 April 2003, the killings of ITV crew members Terry Lloyd, Fred Nerac and local translator Hussein Osman the Shatt al-Basra bridge outside Basra on 22 March the same year.

In the meanwhile, Iraqi journalists remained in the firing line from press predators, emboldened by the absence of accountability as deterrence for their actions against media professionals.

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The culture of impunity for violence against journalists continues to fuel attacks by those who regard journalists as unwelcome witnesses to the war’s litany of tragedies, both individual and collective.

Yet, attacks on media professionals constitute not only crimes against the victims and cause great sorrow for their loved ones, they also prevent the world from learning about the terrible wrongs done to innocent civilians and mobilising for action to protect the most vulnerable in Iraq, leading to the present humanitarian crisis.

Indeed, James Foley spoke for many of his colleagues who lost their lives “trying to expose untold stories.” There is no doubt that the gross abuses committed by the IS and associated groups in Iraq which the Council is debating today would not have come to light without the courageous work of many journalists, at the risk of their lives.

It is therefore appropriate that they should be addressed in an uncompromising manner and adequate strategies adopted to hold these groups accountable for their actions and a strong commitment to protect journalists should be an important part of any initiative in this regard and urge the Council to develop including a clear strategy to hold to account all belligerents in Iraq responsible for killing journalists.

As the UN Special Rapporteur on extrajudicial, summary or arbitrary executions noted in his report to this Council in 2012, press freedom, as a corollary of the freedom of expression which, is considered a ‘meta-right’, i.e the right on which the realisation of many other rights depends.

For the abuses of human rights reported in Iraq represent a serious threat to international order and security by defying all norms of humanitarian international and human rights law. If left unchecked, their trail of loss of life and further human suffering including starvation and enforced disappearances on an unimaginable scale is likely to continue.

The international community must therefore take a stand against these acts targeting civilians, including journalists, which could amount to war crimes and crimes against humanity. Members of this Council and of the United Nations as whole need to make it unequivocally clear that the actions by the IS and associated groups can no longer be tolerated in Iraq or elsewhere because their consequences would be more than humanity could bear.

Situation of Human Rights Defenders

‘Human rights defender’ is a term used to describe the people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained.

To be a human rights defender ,a person can act to address any human right(s) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and

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political rights as well as the promotion, protection and realisation of economic, social and cultural rights.

The majority of human rights defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some defenders act at the regional or international level. They may, for example, monitor a regional or worldwide human rights situation and submit information to regional or international human rights mechanisms, including the other special rapporteurs of the United Nations Human Rights Council and treaty bodies. Increasingly, the work of human rights defenders is mixed, with the focus being on local and national human rights issues, but with defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

Human rights defenders investigate, gather information and report on human rights violations. They may, for example, use lobbying strategies to bring their reports to the attention of the public and of key political and judicial officials with a view to ensuring that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organisations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

A very large proportion of the activities of human rights defenders can be characterised as acting in support of victims of human rights violations. Investigating and reporting on violations can help end the ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

The Special Rapporteur has expressed concern for the situation of human rights defenders in all countries, including both emerging democracies and countries with long-established democratic institutions, practices and traditions. Nevertheless, special emphasis has been placed on countries where:(a)internal armed conflict or severe civilunrest exists; (b)the legal and institutional protections and guarantees of human rights are not fully assured or do not exist at all. A great many human rights defenders, in every region of the world, have been subject to violations of their human rights. They have been the target of executions, torture, beatings, arbitrary arrest and detention, death threats, harassment and defamation, as well as restrictions on their freedoms of movement, expression, association and assembly. Defenders have been the victims of false accusations and unfair trial and conviction.

Violations most commonly target either human rights defenders themselves or the organisations

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Women human rights defenders sometimes confront risks that are gender-specific and require particular attention. In most cases, acts committed against human rights defenders are in violation of both international and national law. In some countries, however, domestic legislation which itself contravenes international human rights law is used against defender.

The LGBT community

Sexual orientation is an enduring pattern of romantic or sexual attraction (or a combination of these) to persons of the opposite sex or gender, the same sex or gender, or to both sexes and more than one gender. These attractions are generally subsumed under heterosexuality, homosexuality, and bisexuality, while sexuality (the lack of sexual attraction to others) is sometimes identified as the fourth category.

LGBT rights have always been a highly controversial issue globally, as it seems there is a great divide concerning how they should be treated and dealt with. The Yogyakarta Principles detail rights such as “Rights to Universal Enjoyment of Human Rights, Non-Discrimination and Recognition before the Law”, “Rights to Human and Personal Security”, “Rights to Expression, Opinion and Association” among other core values. However, it seems that many nations clash in regards to LGBT Rights, as it seems that certain nations condemn homosexuality, whereas other condone it.

Lesbian, gay, bisexual, and transgender (LGBT) people can face violence motivated by hateful attitudes towards their sexuality or gender identity. Violence may be executed by the state, as in laws prescribing corporal punishment for homosexual acts, or by individuals engaging in intimidation, mobbing, assault, or lynching. Violence targeted at people because of their perceived sexuality can be psychological or physical and can extend to murder. These actions may be motivated by homophobia, lesbophobia, biphobia, transphobia, and may be influenced by cultural, religious, or political biases.

Many lesbians, gay men and bisexuals are forced to hide their sexuality at work because by openly coming out they risk isolation, victimization or even dismissal. In many parts of the world, people with unconventional sexual and gender orientations are oppressed and mistreated. In most cases, basic human rights are violated and LGBT people are jailed or executed, denied employment and government services, subjected to regular physical and emotional abuse, and threatened for campaigning for equality.

With the increased global media attention on violent acts of persecution inflicted on Lesbian, Gay, Bisexual & Transgender (LGBT) persons, a crucial question before the world community today is whether LGBT rights should be included under the basic human rights or not.

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Around the world, gender identity and sexual orientation continue to be used wrongly as the pretext for serious human rights violations. LGBT persons continue to fall victim to persecution, discrimination and gross ill-treatment, often involving extreme forms of violence. This is incompatible with international human rights law.

Only 22 states have made discrimination on the basis of sexual orientation illegal—and that number drops to 19 if you add gender identity. Same-sex relationships are currently illegal in 76 countries and punishable by death in seven. LGBT individuals experience violence at much higher rates than heterosexual people. 40% of homeless youth identify as LGBT. 68% of those kids are kicked out of their families and homes because of their sexual orientation and/or gender identity, and 54% reported being survivors of abuse from their families. These experiences leave these young people particularly vulnerable to mental and physical health issues, and lead to unfair criminalization of people based on their sexual orientation/gender identity. An additional and equally damaging product of homophobia and transphobia is social ostracization of LGBT people. This ostracism, which can begin at an early age, pervades all across our community including school, social media, and entertainment and news outlets. This can have damaging impact young people’s physical and psychological development. Such stress often pushes LGBT people to commit suicide.

Many of the issues facing the general LGBT population are even worse for people of color. For example, LGBT people of color are almost twice as likely to experience physical violence, and 73.1% of all anti-LGBTQ homicide victims in 2012 were people of color.

Employment discrimination, lack of health insurance, homelessness, and other factors make LGBT people particularly vulnerable to the impact of economic inequality. Gay and lesbian families (especially the latter) are significantly more likely to be living below the poverty line than heterosexual married families, and children in gay and lesbian households are twice as likely to live in poverty as compared to children in homes with heterosexual parents. Civil marriage between individuals of the same-sex is also an issue in which fundamental human rights are at stake. Even where homosexuality is legal, many countries treat those in same-sex relationships differently, such as having an unequal age of consent or a ban on marriage

Despite numerous resolutions and statements by the UN and other human rights organizations calling for the decriminalization of homosexuality, most nations have not made any new laws or implemented any new policies in agreement. Some nations refuse to recognize LGBT rights as an issue and leave at the commencement of meetings. Other nations believe that LGBT rights lie outside the workings of the HRC, and each nation should decide their own laws.

Many nations which opposed the 2014 resolution had cultural or religious reasons to believe that homosexuality is wrong. The most vocal nations against were Arab and Middle Eastern nations and African nations. People opening up to homosexuality is relatively new; heterosexual relationships have always been seen as the norm for as long as humanity has existed. It can be very difficult for many people to accept people who have different sexual orientation and preferences. Again, a major question of intolerance comes up which denies people their right to choose their partners.

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Case Studies

1. Mao Hengfeng

Mao Hengfeng had first-hand experience in forced abortion in the late 1980's. Since then, she has called attention to forced abortions and forced evictions in China. She has been detained repeatedly. She was in prison between January 2007 and November 2008. While in detention, she was tortured and ill-treated by the authorities.

The most recent detention of Mao Hengfeng stems from her 2009 protest of the detention of Liu Xiaobo, a prominent human rights defender in China and the recipient of the 2010 Nobel Peace Prize. On December 25, 2009, Mao Hengfeng protested outside the court building in Beijing where Liu Xiaobo was on trial. She was taken by police on February 24, 2010 from the Beijing motel where she was staying. The police notified her family on March 8, 2010 that Mao Hengfeng was given 18 months Re-education Through Labor (RTL) for "disturbing social order" due to her actions in December 2009.

At an appeal hearing on July 21, 2010, Mao Hengfeng reported that the RTL facility officers have instructed other inmates many times to beat her. On most occasions, more than a dozen inmates were involved. In addition to the beatings, Mao Hengfeng was kept in unsanitary conditions and she was forced to work at the RTL facility dumping ground.

Mao Hengfeng was released on medical parole due to high blood pressure on February 22, 2011. She celebrated with friends at a restaurant. Thereafter she was prevented from leaving her house. On February 23 she attempted to visit a doctor but was stopped by police. According to her family, she did not confront the police and stayed at home. Shortly before the release, a doctor found signs of bleeding in her brain from a CT scan and she has partially lost feeling on the left half of her body.

On February 24, 2011 she was arrested on the grounds of having violated the terms for medical parole. She was taken to Shanghai City Prison Hospital, where she was previously held and ill-treated in 2008. Her family was not allowed to visit her at the hospital.

On July 28, 2011, Mao Hengfeng was sent home in a wheelchair without any advance notice to her family. Shanghai City RTL Management Department decided to end her term of RTL almost one month earlier than her scheduled release date. The reason was "she had serious high blood pressure and should get treatment in a public hospital". When her family saw Mao Hengfeng outside their house, she was unconscious and in very poor health. She was not able to talk and could not stand up as she was so weak.

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Three days after the official release from RTL, Mao Hengfeng's health condition improved and she told Amnesty International the torture she had endured in the prison hospital. She was beaten numerous times. She had often lost consciousness. She was kept on a hospital bed and could not move without permission. She was not allowed to contact her family and was not allowed to shower or bathe. An inmate was assigned to monitor her. At one point, the beatings have caused her to lose hearing and eye sight for 24 hours. By July 27, 2011, Mao Hengfeng kept slipping in and out of consciousness, unable to eat or drink. The prison hospital was worried about her health condition and decided to end her RTL and send her home.

In the first few days immediately after her release, the police would not allow Mao Hengfeng to visit a public hospital or go to church. They told her family, "Shanghai is hosting the 14th FINA World Championships till July 31, for social stability reasons people like Mao Hengfeng are not allowed to go out." After the FINA World Championships have completed, Mao Hengfeng is allowed to go out but remains under surveillance.

Amnesty International has time and again called on the authorities to initiate an impartial and independent investigation into the allegations that Mao Hengfeng was tortured and otherwise ill-treated in detention, with a view of bringing those responsible to justice.

2. Anna Politkovskaya

As a journalist, Anna Politkovskaya's fearless coverage of the conflict and human rights situation in Chechnya earned her international recognition. It also brought harassment and intimidation from authorities. She was detained, threatened and poisoned because of her work. In October 2006, she was shot dead at her home in Moscow.

Anna Politkovskaya had reported about the human rights situation in the Chechen Republic for the newspaper Novaya Gazeta (New Newspaper). She had also written extensively about abuses in other parts of Russia such as violence in the army, corruption in state structures, and police brutality. Many of her articles were published in foreign media and her books have been translated into several languages.

Anna Politkovskaya faced intimidation and harassment from the Russian federal and Chechen authorities due to her outspoken criticism of government policy and actions. She was detained and threatened with serious reprisals for her reporting on several occasions.

In September 2004, on her way to help with negotiations during the school hostage crisis in Beslan, North Ossetia, she lost consciousness after drinking a cup of tea on the airplane. Doctors who treated her reportedly believed she had been poisoned. In October 2006, Anna Politkovskaya was killed at her home. In August 2007, four men were charged with her murder. All four were acquitted at the trial that took place in November 2008 - February 2009.

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3. Orlando Club Shooting

Saturday night was Latin Night at Pulse, one of the city's best-known gay clubs, and the place was packed with patrons both gay and straight, young and not-so-young, from the U.S., Puerto Rico, the Dominican Republic, Mexico and elsewhere, having a good time, dancing salsa and bachata.

At 2:02 a.m., according to an FBI timeline, Orlando police received reports that multiple shots had been fired at Pulse. An off-duty officer was working there and "engaged in a gun battle" with the shooter, said Orlando Police Chief John Mina. "The suspect, at some point, went back inside the club, where more shots were fired," Mina said. Additional officers had arrived at 2:04 a.m. and entered Pulse four minutes later, exchanging fire with the attacker.

At 2:09 a.m., a warning appeared on the club's Facebook page: "Everyone get out of pulse and keep running." Many did. But not everyone could.

As soon as Angel Colon heard the gunshots, he and his friends ran for their lives. But Colon was shot three times. He fell and was trampled. All around him, he heard shots and cries for help. "I could just see him shooting at everyone and I can hear the [shots getting] closer, and I look over and he shoots the girl next to me," he said. "And I'm just there lying down and I'm thinking, 'I'm next. I'm dead.' "

"Just all hell broke loose, people running for the door, jumping over the gates," said Ray Rivera, also known as DJ Infinite, who'd been playing music that night in the patio area. He took cover behind his booth, shielded two others and was able to flee to safety.

Some wounded club goers played dead on the dance floor. Others barricaded themselves inside bathroom stalls and, not wanting to speak, texted loved ones for help. The gunman paced around the rear of the club, laughing and shooting at bodies already on the ground.

A SWAT team was called at 2:18 a.m. At 2:35 a.m., about half an hour after the shooting began, the shooter made one of several 911 calls, according to the FBI. "I wanna let you know, I'm in Orlando and I did the shootings," the gunman told the operator during this 50-second call, according to a transcript released by the FBI.

"What's your name?" the operator asked.

"My name is I pledge of allegiance to Abu Bakr al-Baghdadi of the Islamic State."

At 2:48 a.m., the gunman — whose name was Omar Mir Seddique Mateen — spoke with crisis negotiators from the Orlando police. He had a second conversation with them at 3:03 a.m. and a third at 3:24 a.m.

Mateen identified himself as "an Islamic soldier," according to the FBI, and threatened to detonate explosives, including a car bomb and a suicide vest — the kind "used in France," he said, referring to the terrorist attacks in Paris last November. Searches inside and outside the club failed to turn up these items, investigators said.

Mateen is also believed to have spent time online during his siege of the club, checking Facebook and searching for "Pulse Orlando" and "shooting."

"I could see his feet, like scooting back, scooting back, scooting back, as he heard the police outside," said Patience Carter, one of the hostages with Mateen.

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The motive behind this gruesome act can never be ascertained with certainty but the violence
meted out to the innocent people at the club goes on to show the amount of hatred a person can
harbor for an entire community that may never affect him/her directly.*