

# R2P MONITOR

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A bimonthly bulletin by  
the Global Centre for the  
Responsibility to Protect

The **Responsibility to Protect (R2P)** is a global norm, unanimously adopted by heads of state and government at the 2005 UN World Summit, aimed at preventing and halting Genocide, War Crimes, Ethnic Cleansing and Crimes Against Humanity. R2P stipulates that:

- » Every State has the Responsibility to Protect its populations from the four mass atrocity crimes (Pillar I).
- » The wider international community has the responsibility to encourage and assist individual States in meeting that responsibility (Pillar II).
- » If a State is manifestly failing to protect its populations, the international community must be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the UN Charter (Pillar III).

## R2P Monitor applies the Responsibility to Protect lens to the following situations of concern:

### CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

### IMMINENT RISK

The situation is reaching a critical threshold and the risk of mass atrocity crimes occurring in the immediate future is very high if effective preventive action is not taken.

### SERIOUS CONCERN

There is a significant risk of occurrence, or recurrence, of mass atrocity crimes within the foreseeable future if effective action is not taken.

## R2P Monitor:

- » Provides *background* on populations at risk of mass atrocity crimes, with particular emphasis on key events and actors and their connection to the threat, or commission, of genocide, war crimes, ethnic cleansing and crimes against humanity.
- » Offers *analysis* of the country's past history in relation to mass atrocity crimes; the factors that have enabled their possible commission, or that prevent their resolution; and the receptivity of the situation to positive influences that would assist in preventing further crimes.
- » Tracks the *international response* to the situation with a particular emphasis upon the actions of the United Nations (UN), key regional actors and the International Criminal Court (ICC).
- » Suggests *necessary action* to prevent or halt the commission of mass atrocity crimes.

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## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



Over 655,000 ethnic Rohingya civilians have fled atrocities and crossed into Bangladesh since 25 August

## MYANMAR (BURMA)

*Atrocities committed against the Rohingya minority constitute crimes against humanity under international law. These crimes may ultimately prove to be genocidal in intent.*

### BACKGROUND

Myanmar's security forces have carried out "clearance operations" in Rakhine State since 25 August, after an armed group calling itself the Arakan Rohingya Salvation Army (ARSA) attacked police posts and an army base. Since that date there have been widespread reports of the security forces imposing collective punishment upon the ethnic Rohingya community, including the unlawful killing of civilians, mass displacement, rape, and the burning of at least 354 villages.

According to research by Médecins Sans Frontières, at least 6,700 Rohingya were killed in Rakhine State between 25 August and 24 September alone. On 10 January the Commander-in-Chief of Myanmar's armed forces, General Min Aung Hlaing, admitted in a statement that soldiers and local villagers had summarily executed 10 captured Rohingya and buried them in a mass grave outside Inn Din village in Maungdaw township. This is the first admission of wrongdoing by the army, which has previously exonerated itself regarding allegations of atrocities committed against the Rohingya.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) has reported that more than 655,000 refugees – mostly Rohingya – have fled across the border to escape violence, bringing the total number of Rohingya refugees in Bangladesh to nearly 870,000.

On 11 September the UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, said that actions taken by the Myanmar

authorities represent a "textbook example of ethnic cleansing." On 11 October the UN Office of the High Commissioner for Human Rights (OHCHR) issued a report which found that the attacks carried out by Myanmar's security forces were "well-organised, coordinated and systematic" and were aimed at driving the Rohingya population out of Myanmar and preventing their return.

The Myanmar authorities continue to restrict or deny access to northern Rakhine State for international humanitarian and human rights organizations, independent media, as well as the Human Rights Council (HRC)-mandated Fact-Finding Mission. On 20 December the government of Myanmar informed the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, that she would be denied access to the country for the rest of her tenure.

On 23 November the governments of Myanmar and Bangladesh signed an "arrangement on return of displaced Myanmar persons sheltered in Bangladesh," which stipulated that returns would begin within two months. A number of governments, as well as humanitarian and human rights observers, expressed concern over the timetable and conditions for return, including the lack of guarantees that returnees will not be subjected to further violence and persecution.

The current crisis in Myanmar began less than a year after authorities concluded another "counter-insurgency operation" in northern Rakhine State. Between October 2016 and February 2017 there were similar reports of grave human rights violations against Rohingya civilians, which OHCHR said may have amounted to crimes against humanity.

The Rohingya, a distinct Muslim ethnic minority group of approximately 1 million people, have been systematically persecuted by discriminatory laws in Myanmar. The 1982 Citizenship Law does not recognize the Rohingya as one of Myanmar's "national races," rendering the population stateless. The Rohingya are also subject to severe restrictions on their freedom of movement as well as access to employment and education. The Myanmar government denied the Rohingya the ability to self-identify on the 2014 national census, the first since 1983. They were also largely disenfranchised in Myanmar's historic November 2015 elections. The rights of the Rohingya are further limited by the so-called Protection of Race and Religion laws, which were passed in 2015 and place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights.

The Advisory Commission on Rakhine State, mandated to provide recommendations on resolving recurring conflict in Rakhine State, submitted its final report to the Myanmar authorities on 24 August. Led by former UN Secretary-General Kofi Annan,

the Commission offered practical recommendations to address the root causes of conflict in Rakhine, including reforming the 1982 Citizenship Law.

## ANALYSIS

Myanmar's security forces pose an existential threat to the Rohingya population as they impose collective punishment upon civilians for the actions of ARSA. With violence continuing in Rakhine State and no accountability for past atrocities, it is essential that repatriation of Rohingya refugees is conducted on a strictly voluntary basis, in accordance with the 1951 Refugee Convention and the principle of non-refoulement. The denial of access to the Fact-Finding Mission and the UN Special Rapporteur undermines efforts to independently investigate atrocities in Myanmar.

The government's refusal to end discriminatory state policies regarding the Rohingya has encouraged violations of their fundamental human rights and reinforced the dangerous perception of them as ethnic outsiders. The 1982 Citizenship Law and the Protection of Race and Religion laws are intended to eradicate the legal right of the Rohingya to exist as a distinct ethnic group in Myanmar. The democratically elected government has not taken any significant steps to repeal discriminatory laws and end anti-Rohingya policies, indicating that the persecution of the Rohingya will continue.

The government of Myanmar is failing to uphold its primary Responsibility to Protect the Rohingya and other vulnerable ethnic and religious minority groups.

## INTERNATIONAL RESPONSE

On 28 September the UN Security Council (UNSC) held its first open meeting on Myanmar in eight years. Previously, the UNSC discussed the Rakhine situation under "any other business" on 30 August, 13 September and 26 September. On 13 October the UNSC held an Arria Formula Meeting with Kofi Annan in his capacity as Chair of the Advisory Commission on Rakhine State.

On 6 November, ten weeks after the beginning of "clearance operations," the UNSC finally adopted a Presidential Statement on the crisis. The statement condemned the widespread violence committed against the Rohingya, called for the implementation of the recommendations of the Rakhine Commission and stressed the "primary responsibility of the Myanmar government to protect its population including through respect for the rule of law and the respect, promotion and protection of human rights." The statement also requested a briefing by the UN Secretary-General, which was held on 12 December.

On 5 December the HRC held a special session on the human rights situation in Rakhine State. The Council adopted a resolution stating that systematic and targeted human rights violations and abuses in Rakhine State indicate "the very likely commission of crimes against humanity" and calling upon the government of Myanmar to grant unfettered access to the Fact-Finding Mission as well as to all relevant special procedure mandate holders. In his address to the HRC, High Commissioner

Zeid said that "elements of genocide may be present" in relation to the Rohingya.

On 21 December the United States government announced that it was sanctioning Major General Maung Maung Soe, who oversaw the "clearance operations" in Rakhine State.

On 24 December the UN General Assembly adopted a resolution calling upon the Myanmar authorities to end military operations against the Rohingya and to grant them full citizenship rights. The resolution also requested the UN Secretary-General to appoint a Special Envoy to the country.

## NECESSARY ACTION

The UNSC should impose an arms embargo and targeted sanctions directed at all senior military officers with command responsibility for forces in Rakhine State, including General Min Aung Hlaing. The Council should also refer the situation to the ICC.

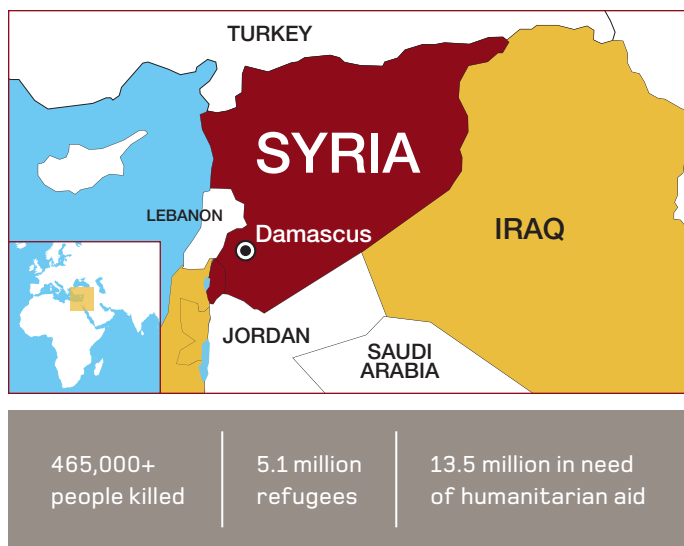
Individual governments and regional organizations should suspend all military aid and training programs with Myanmar's security forces. All international trade, aid and development programs in Rakhine State should be scrupulously reviewed. Myanmar's military and the local Rakhine authorities must not be allowed to profit from the expulsion of the Rohingya.

The UN Fact-Finding Mission and Special Rapporteur should be granted entry into Rakhine State to further investigate all atrocities committed by the security forces since October 2016. The Myanmar authorities should also allow humanitarian and human rights organizations unhindered access to vulnerable populations in Rakhine, Kachin and Shan states. The international community should insist that the UN Refugee Agency (UNHCR) is fully involved in any Rohingya repatriation efforts.

The government must demonstrate progress toward implementation of the recommendations of the Advisory Commission on Rakhine State. The government must repeal or amend all laws and regulations that systematically discriminate against Rohingya and other minorities, including the Protection of Race and Religion laws and the 1982 Citizenship Law. The government should take proximate steps towards building a more inclusive society in which the rights of all of Myanmar's diverse populations are protected, regardless of their religion or ethnicity.

## MORE INFORMATION

- » [HRC Resolution, A/HRC/S-27/1](#), 5 December 2017
- » [UN General Assembly Resolution, A/RES/72/248](#), 24 December 2017
- » [UNSC Presidential Statement, S/PRST/2017/22](#), 6 November 2017
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)



## SYRIA

*Populations continue to face mass atrocity crimes committed by government forces and their allies in Syria's ongoing civil war. Various non-state armed groups are also committing war crimes and crimes against humanity.*

### BACKGROUND

Since the Syrian crisis began in 2011 the conflict between the government and opposition groups has escalated into a civil war where over 465,000 people have been killed. According to OCHA, as of December 2017 there were 5.5 million Syrian refugees and at least 6.1 million internally displaced persons (IDPs) – the largest number of people displaced by any conflict in the world. Over 13.1 million Syrians remain in dire need of humanitarian assistance, with 3 million people in inaccessible areas, including at least 420,900 people trapped in 10 besieged communities. The vast majority of these besieged civilians – an estimated 94 percent – are in eastern Ghouta.

For six years the HRC-mandated Commission of Inquiry (Col) has reported that government forces have committed war crimes and crimes against humanity as a matter of state policy. Numerous armed opposition groups have also committed war crimes and violated International Humanitarian Law (IHL). On 6 September 2017 the Col reported that a number of local ceasefire deals negotiated by parties to the conflict have resulted in the forced displacement of civilians.

Despite political negotiations in both Geneva and Astana aimed at ending the civil war, fighting between Syrian government forces and armed opposition groups has continued, most notably in the north of the country and the suburbs of Damascus. The besieged opposition-held enclave of eastern Ghouta has experienced increased shelling and airstrikes since late October, resulting in hundreds of deaths. At least 126 civilians were killed within the enclave between 28 December and 8 January alone. Additionally, 12 percent of children under five years old within eastern Ghouta are suffering from acute malnutrition – the highest rate recorded across Syria since the start of

the conflict. Overall, the Syrian Observatory for Human Rights (SOHR) documented the deaths of 700 civilians during December.

On 17 October 2017 the Syrian Democratic Forces, a coalition of armed opposition groups, recaptured the so-called Islamic State of Iraq and the Levant's (ISIL) self-proclaimed capital of Ar-Raqqa city following an offensive launched on 6 June with air support from a United States-led international military coalition. Throughout the offensive ISIL used civilians as human shields and often shot those trying to flee areas under its control, while airstrikes by the coalition also caused significant civilian casualties. Of the estimated 300,000 people in Raqqa before the civil war, at least 270,000 fled or were forcibly displaced. On 2 November the Syrian government also recaptured Deir-Ezzour, the last major city held by ISIL within Syria.

Although ISIL no longer controls any cities within Syria, it continues to pose a threat to civilians, and its fighters have carried out crimes against humanity, including mass killings and sexual enslavement, in areas under their control. According to the SOHR, ISIL has killed at least 3,700 civilians in Syria since June 2014.

The Organization for the Prohibition of Chemical Weapons–Joint Investigative Mechanism (OPCW–JIM) determined that Syrian government forces used chlorine gas in three separate incidents between 2014 and 2015 and that ISIL was responsible for two sulfur-mustard attacks during 2015 and 2016. The use of chemical weapons is a war crime and also directly contravenes UNSC Resolution 2118. The OPCW–JIM's final report determined that the Syrian air force was likely responsible for a 4 April 2017 sarin attack on the town of Khan Shaykhun, in which more than 80 people, including children, were killed. The OPCW also detected sarin-related chemicals in Ltamenah after a 30 March.

Russia, Iran and Hezbollah militias continue to provide essential economic and military support to the Syrian government. Since September 2015 Russian airstrikes have largely targeted opposition forces and civilian areas outside government control, despite the Russian government claiming their operations are focused on ISIL. The SOHR reported that Russian airstrikes have killed 4,726 ISIL fighters and over 6,486 civilians, including 1,595 children, as of 30 December. According to the SOHR, airstrikes by the United States-led coalition have also killed at least 3,000 civilians since September 2014.

### ANALYSIS

All sides in Syria remain committed to military victory and the lives of countless civilians are imperiled by the ongoing civil war. Attacks on medical facilities and civilian infrastructure, as well as the use of illegal weapons, demonstrate a complete disregard for IHL and International Human Rights Law (IHRL) and directly contravene UNSC Resolutions 2286 and 2139. Any local ceasefire agreements reached by the Syrian government and opposition groups that result in the involuntary transfer of civilian populations constitute a violation of IHL.

The Syrian government, with support from its international allies, continues to utilize its military resources to retain power at all costs. The direct participation of Russian and Iranian forces in numerous attacks on civilian populated areas makes them complicit in alleged war crimes. The surge in civilian casualties during United States-led coalition airstrikes on ISIL also raises serious concerns regarding potential violations of IHL.

Saudi Arabia, Turkey and Qatar continue to provide crucial assistance to some armed opposition groups. However, the fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. Meanwhile, ISIL and several other armed groups pose an ongoing threat to civilians, especially those from minority religious communities.

The UNSC has been unable to enforce compliance with its resolutions, with bitter divisions over Syria evident amongst the permanent members. Despite the current political impasse, Russia, United States, Iran, Turkey and Saudi Arabia remain essential to any potential negotiated settlement of the conflict.

The government of Syria has not only manifestly failed to uphold its Responsibility to Protect, it bears primary responsibility for the ongoing commission of mass atrocity crimes.

## INTERNATIONAL RESPONSE

Following the outbreak of violence during March 2011, the international community responded by censuring the Syrian government for its widespread violations of human rights. The CoI, former UN Secretary-General Ban Ki-moon and UN High Commissioner for Human Rights have all called for the situation in Syria to be referred to the ICC.

Despite this, the UNSC has failed to adequately respond. Since 2013, the UNSC has passed resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several of these refer to the government's responsibility to protect populations, but none have been fully implemented. Meanwhile, Russia and China have jointly vetoed six UNSC draft resolutions and Russia has independently vetoed a further five resolutions. On 16 and 17 November Russia vetoed two draft resolutions that would have renewed the mandate of the OPCW-JIM. As a result, the mandate expired on 17 November. On 19 December the UNSC renewed Resolution 2165, authorizing cross-border and cross-conflict-lines humanitarian access in Syria until January 2019.

On 21 December 2016 the UN General Assembly voted to establish an International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of perpetrators of atrocities in Syria. The HRC has adopted 23 resolutions condemning atrocities in Syria. The latest, adopted on 27 September, called upon all member states to actively support the IIIM. The resolution also demands the Syrian authorities uphold their responsibility to protect the population.

## NECESSARY ACTION

In keeping with various UNSC resolutions, Syrian government forces, armed opposition groups and international parties to the conflict must facilitate unimpeded humanitarian access to all civilians trapped or displaced by fighting. The UNSC must take proximate steps to halt atrocities and help end the civil war. The UNSC should demand UN access to monitor designated "de-escalation zones" in order to ensure the wellbeing of civilians.

UN member states should fully cooperate with the IIIM and facilitate its work through the provision of voluntary funding. The IIIM should be incorporated into the UN's regular budget.

Russia, Iran and Hezbollah must cease enabling the crimes of the Syrian government. Countries opposed to the rule of President Bashar al-Assad must withhold all support from armed groups who commit war crimes and target civilians.

Foreign states participating in airstrikes against ISIL must ensure all necessary precautions are taken to avoid civilian casualties and that all military operations are fully consistent with international law. All potential violations, including possible war crimes, must be thoroughly investigated and the perpetrators held accountable.

## MORE INFORMATION

- » [UN General Assembly Resolution, A/RES/71/248](#), 21 December 2016
- » [UN HRC Resolution, A/HRC/36/L.22](#), 27 September 2017
- » [UNSC Resolution, S/RES/2393](#), 19 December 2017
- » [GCR2P Populations at Risk: Syria](#)





8.4 million people at  
risk of famine

Over 1 million cases  
of cholera since May

## YEMEN

*Mass atrocity crimes are being committed in Yemen as pro-government forces and a regional military coalition fight against Houthi rebels, who still control much of the country.*

### BACKGROUND

Violence between Houthi rebels and various pro-government forces, as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition, have killed more than 10,000 people since March 2015. Although the UN estimates that 5,000 civilians have been killed, the actual death toll is likely to be considerably higher. The ongoing conflict has also resulted in a humanitarian catastrophe in which at least 8.4 million people are at risk of famine.

During 2014, amidst a UN-facilitated political transition process, the Houthis, an armed movement originating amongst the Shia population in northeast Yemen, and military units loyal to deposed President Ali Abdullah Saleh, took control of the governorates of Sa'ada, Hodeida, Dhamar, Amran and Sana'a. On 26 March 2015 Saudi Arabia, UAE and a coalition of eight other countries responded to a government request for regional military intervention.

Despite several temporary ceasefire agreements during 2015 and 2016 and intermittent UN-brokered peace talks, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. The last attempted ceasefire, on 19 November 2016, collapsed within 48 hours and political negotiations have been suspended for over a year. Indiscriminate shelling and airstrikes continue, and in December fighting escalated across the northwest of the country.

Following a breakdown of the military alliance between troops loyal to former President Saleh and Houthi forces, on 2 December Saleh announced his willingness to cooperate with the Saudi/UAE-led coalition. Following intense fighting in Sana'a, Saleh was killed on 4 December. Ongoing Saudi/UAE-led coalition airstrikes across the country resulted in the death of at least 109 civilians between 16–26 December alone.

On 4 November Houthi forces fired a ballistic missile into Saudi Arabia that was shot down outside Riyadh. In retaliation Saudi Arabia closed all sea and air ports in Yemen, intensifying its blockade of the country. Yemen imports 90 percent of its staple food supplies. On 23 November the coalition lifted the blockade for humanitarian aid, and on 20 December it announced that it would re-open the port of Hodeidah for commercial fuel imports for 30 days.

Yemen is now the largest humanitarian crisis in the world. More than 3 million Yemenis have been forcibly displaced while an estimated 22.2 million people – over three quarters of the population – require humanitarian assistance. Since a cholera outbreak began in May, over 1 million cases have been reported and at least 2,237 people have died.

Throughout the conflict Houthi and government-allied forces have targeted civilian infrastructure, including schools and hospitals, as well as international humanitarian workers. The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has said that respect for the distinction between civilian and military targets has been "woefully inadequate" by all sides.

The UN Secretary-General's annual report on children and armed conflict documented the deaths of 502 children in Yemen during 2016, noting that the Saudi/UAE-led coalition was responsible for killing or wounding at least 683 children, while the Houthis were responsible for 414 casualties. The report also verified 517 cases of the recruitment and use of child soldiers. The Saudi/UAE-led coalition was also responsible for attacks on 28 schools and 10 hospitals during 2016.

OHCHR has reported that both sides have committed violations of IHL and violations and abuses of IHRL. Saudi Arabia has confirmed that it has used illegal cluster munitions in Yemen, while Houthi-Saleh forces have reportedly used banned anti-personnel mines.

Other armed groups continue to take advantage of the conflict to perpetrate violence against civilians. Al-Qaeda in the Arabian Peninsula (AQAP) has gained influence, although it has retreated from several cities it temporarily controlled in during 2015. Since March 2015 ISIL has also claimed responsibility for a series of attacks on Shia mosques and car bombings in Sana'a and Aden. According to OHCHR the conflict has also resulted in increased religious persecution of the country's Bahá'í population.

### ANALYSIS

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity.

Despite the magnitude of the crisis, the UNSC has failed to adequately respond to the conflict in Yemen. A substantive UNSC resolution has not been passed since April 2015, and the Council has done little to facilitate the resumption of peace talks.

While Saudi Arabia and the UAE remain the main forces sustaining the regional military coalition, Iran has provided some military assistance to the Houthis. Civilian casualties resulting from airstrikes by the Saudi/UAE-led coalition have resulted in public pressure for the United States and United Kingdom to cease selling arms to Saudi Arabia and the UAE.

The dissolution of the alliance between Houthi and pro-Saleh forces threatens to further fracture Yemeni society along tribal lines. Terrorist groups, such as AQAP and ISIL, are also trying to exploit tensions between Shia and Sunni populations to increase their influence.

All sides of the conflict appear manifestly unwilling or unable to uphold their Responsibility to Protect.

## INTERNATIONAL RESPONSE

During 2011 the UNSC adopted Resolution 2014, which condemned human rights violations by the government of former President Saleh and affirmed Yemen's primary responsibility to protect its population.

The UNSC imposed sanctions on former President Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC passed Resolution 2216, establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding the Houthis withdraw from all areas they had militarily seized. On 23 February 2017 the UNSC renewed sanctions for an additional year and extended the mandate of the Panel of Experts on Yemen.

On 13 December 2016 the United States announced that because of concerns regarding Yemen, it would halt some arms sales to Saudi Arabia. However, during President Donald Trump's May 2017 visit to Saudi Arabia, the United States announced a potential arms deal worth almost \$110 billion, including ending the moratorium on selling precision-guided munitions.

On 15 June the UNSC adopted a Presidential Statement calling for greater facilitation of humanitarian access and deployment of additional monitors for the UN Verification and Inspection Mechanism for Yemen.

On 29 September the HRC adopted a resolution establishing a Group of Eminent International and Regional Experts to monitor and report on the human rights situation in Yemen. Members of Group were appointed by High Commissioner Zeid on 4 December and will submit a report to the High Commissioner by September 2018.

## NECESSARY ACTION

The dire humanitarian situation in Yemen is a direct result of the ongoing armed conflict and requires a political solution. The UNSC and regional powers need to facilitate a sustained ceasefire and ensure that parties to the conflict return to substantive peace negotiations.

The distinction between military and civilian targets is central to IHL and must be adhered to at all times. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including cluster munitions and landmines. All UN member states should immediately halt the sale of weapons to parties to the conflict who routinely violate IHL.

All parties to the conflict must also ensure full and effective humanitarian access. The Saudi/UAE-led coalition must immediately reopen all sea and air ports, especially in Hodeidah and Sana'a, for crucial humanitarian relief supplies.

## MORE INFORMATION

- » [UNSC Presidential Statement, S/PRST/2017/7](#), 15 June 2017
- » [The situation of human rights in Yemen, including violations and abuses since September 2014](#), OCHCR, 5 September 2017
- » [UN HRC Resolution A/HRC/36/L.4](#), 29 September 2017
- » [GCR2P Populations at Risk: Yemen](#)



2,640 civilians killed  
in the first nine  
months of 2017

3,512 children  
killed or maimed  
during 2016

## AFGHANISTAN

*Populations in Afghanistan are at ongoing risk of mass atrocity crimes as the Taliban intensifies its armed conflict with the government. Other armed extremist groups are also increasing their attacks on vulnerable minorities.*

## BACKGROUND

Since the Taliban was overthrown in 2001 by a North Atlantic Treaty Organization (NATO) coalition of military forces, it has conducted an insurgency against the internationally recognized Afghan government. While making substantial military gains during 2017, the Taliban has perpetrated indiscriminate attacks on civilians. According to the UN Assistance Mission in Afghanistan (UNAMA), civilians living in Taliban-controlled territory suffer widespread human rights abuses, including recruitment of child soldiers and extrajudicial killings. The UN's 2017 strategic review reclassified Afghanistan from a post-conflict situation to an active conflict.

UNAMA's quarterly report documented the deaths of 2,640 civilians between 1 January and 30 September 2017. Attacks by the Taliban and other anti-government forces remain the leading cause of casualties, but other parties to the conflict also continue to use mortars, rockets and other heavy weapons in civilian-populated areas.

Afghanistan has recorded the highest number of verified child casualties since the UN started globally documenting civilian casualties in 2009. The UN Secretary-General's annual report on children and armed conflict documented 3,512 children killed or maimed in Afghanistan during 2016, marking an increase of 24 percent as compared to the previous year. According to UNICEF, approximately 700 children were killed in the first nine months of 2017.

During 2016 the ICC reported that the Taliban has potentially committed crimes against humanity and war crimes against civilians, particularly those perceived as supporting the Afghan government and foreign forces opposed to Taliban rule. According to the ICC, Afghan security forces and members of the United States armed forces and intelligence services may have also committed war crimes, including the torture of detainees. On 20 November 2017 the Chief Prosecutor of the ICC requested authorization to proceed with an investigation into alleged war crimes and crimes against humanity committed in Afghanistan since May 2003.

As ISIL faces military defeat in Syria and Iraq, some supporters – designated the ISIL Khorasan (ISIL-K) – have begun to establish a presence in Afghanistan. ISIL-K has claimed responsibility for several recent terrorist bombings, including a 28 December attack on a Shia cultural center in Kabul which resulted in the death of 41 civilians. A special report released by UNAMA on 7 November documented a significant increase in attacks targeting places of worship and persons exercising their right to religious worship since January 2016. Fifty-one attacks resulted in 850 civilian casualties, including 273 deaths. According to the report, since 2016 these attacks have been increasingly directed at Afghanistan's Shia minority.

According to OCHA, 7.4 million people in Afghanistan are in need of humanitarian assistance and over 390,940 people are internally displaced due to ongoing armed conflict.

## ANALYSIS

The Taliban, which ruled Afghanistan from 1996-2001, is an armed Sunni extremist movement. As the Taliban has regained territory across Afghanistan, the number of civilians at risk of possible war crimes and crimes against humanity has increased. During their 16-year war, both government forces and the Taliban have shown disregard for IHL. However, while government forces have systematically attempted to decrease civilian casualties, deliberate attacks by the Taliban and ISIL-K on civilian populated areas and civilian infrastructure continue to rise.

Unless sustained action is taken to address corruption, marginalization and political tensions within the Afghan government and society, conflict and insecurity will continue to increase.

The Afghan government needs structural reform and ongoing international support to uphold its Responsibility to Protect.

## INTERNATIONAL RESPONSE

At the July 2016 NATO Summit in Warsaw, member states pledged to sustain their mission in Afghanistan beyond 2016 and to continue their assistance to Afghan security forces until 2020. The United States currently has approximately 14,000 troops in Afghanistan.

UNAMA was established under UNSC Resolution 1401 of 2002 and its mandate includes monitoring human rights violations and the protection of civilians. UNAMA's current mandate expires on 17 March 2018. Since 2011 the UNSC has imposed an arms embargo and sanctions on individuals or entities who support the Taliban and its affiliates.

## NECESSARY ACTION

The international community should continue to provide support to the Afghan government to help combat the Taliban, ISIL-K and other armed extremist groups within the country. Increased efforts should also be made to ensure the safety and security of vulnerable minorities. Countering violent extremism while promoting good governance and the rule of law remains essential.

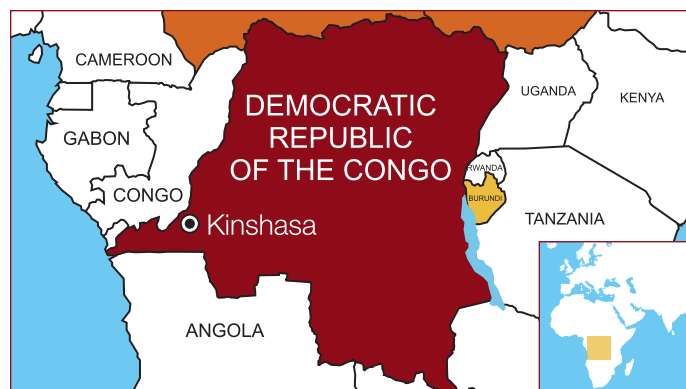
The Afghan security forces and all international military forces operating within Afghanistan must prioritize the protection of civilians and strictly adhere to IHL and IHRL.

The government and its international partners should fully cooperate with the ICC's investigation of alleged war crimes and crimes against humanity in Afghanistan.

## MORE INFORMATION

- » [UNAMA Website](#)
- » [Special Report on Attacks Against Place of Worship, Religious Leaders and Worshippers, UNAMA, 7 November 2017](#)
- » [Populations at Risk: Afghanistan](#)





4.1 million IDPs and  
623,000 refugees

Delayed elections  
are now scheduled  
for December 2018

## DEMOCRATIC REPUBLIC OF THE CONGO

*Populations in the eastern and Kasai regions of the Democratic Republic of the Congo are facing mass atrocity crimes as a result of ongoing violence between security forces and various militias. Growing political instability resulting from postponed elections also threatens civilians.*

### BACKGROUND

Armed groups in the Democratic Republic of the Congo (DRC) continue to utilize instability and the weakness of state authority in various parts of the country to attack security forces and perpetrate atrocities against civilians. In the eastern DRC such groups – including the Democratic Forces for the Liberation of Rwanda (FDLR) and various Mayi-Mayi militias – have been operating for more than 20 years. Despite military offensives conducted by the government's armed forces (FARDC) with assistance from the UN Mission in DRC (MONUSCO) and its force intervention brigade, attacks by armed groups and inter-communal violence continue to threaten vulnerable populations.

According to UNHCR, 4.1 million Congolese are currently internally displaced and more than 623,000 have fled to neighboring countries. At least 1.9 million of the IDPs in the DRC were forced to flee violence during 2017. On 23 October the UN declared a "Level 3" humanitarian emergency for South Kivu and Tanganyika provinces, as well as the Kasai region.

After a period of relative stability in eastern DRC, during 2017 several Mayi-Mayi militias carried out attacks on FARDC posts throughout South Kivu, resulting in more than 400,000 people being displaced between July and September. On 7 December suspected members of the Allied Democratic Forces (ADF) attacked the UN's Semuliki base in the Beni region, resulting in 15 peacekeepers and 5 FARDC soldiers being killed. Recent inter-communal violence in Tanganyika and Ituri provinces has also resulted in civilian casualties and displacement.

Tensions between the government and a local militia, Kamuina Nsapu, following the killing of their chief, have also resulted in atrocities perpetrated against populations in Kasai, Kasai Central and Kasai Oriental provinces since August 2016. The UN Joint Human Rights Office in the DRC has found at least 80 mass graves in the Kasai region since January 2017, with responsibility for most of these attributed to the FARDC. On 4 August OHCHR released a report implicating the FARDC and local government officials in fomenting ethnic violence in the Kasai region and supporting the formation of a pro-government militia, Bana Mura.

OHCHR has documented evidence of the FARDC, Kamuina Nsapu and Bana Mura all committing extrajudicial killings. MONUSCO has reported that hundreds of schools and a number of health centers in the Kasai region have been destroyed or attacked during fighting. The UN has also documented hundreds of children being used as combatants or human shields by Kamuina Nsapu, as well as sexual violence perpetrated against young girls. Meanwhile, Bana Mura has targeted populations based upon ethnicity and destroyed villages of alleged supporters of Kamuina Nsapu.

Political violence related to the postponed 2016 elections also continues. As a result of a failure to hold elections during 2016, mediation between the government and opposition took place under the aegis of the Conference Episcopale du Congo (CENCO). On 31 December 2016 the negotiations resulted in an agreement calling for elections to be held during 2017 and for President Joseph Kabila to abstain from seeking a third term. On 5 November the government announced that presidential elections would now be held on 23 December 2018.

Despite a government ban on demonstrations, on 31 December 2017 Catholic organizations and opposition groups held peaceful demonstrations to mark the anniversary of the CENCO agreement and pressure the government to hold elections during 2018. At least eight civilians were killed in the suppression of the demonstrations, which included the security forces firing tear gas into churches.

### ANALYSIS

Rising tensions in areas that have been relatively calm in recent years, including the Kasais, is indicative of the enduring challenge of building effective governance and political stability in the DRC. Despite diplomatic pressure from the international community, the government has not undertaken a meaningful investigation into allegations that hundreds of people have been killed by the FARDC in the Kasai region.

Competition for control of profitable minerals, as well as underlying conflict between communities that consider themselves indigenous and those perceived as outsiders, has enabled the proliferation of armed groups in the DRC. Such groups will continue to emerge even after the eradication of the ADF, FDLR, Kamuina Nsapu and other Mayi-Mayi militias if these issues are not resolved. Mayi-Mayi militias have also been

increasingly involved in inter-communal violence in eastern DRC, including between Twa communities in Tanganyika.

Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk of further instability and political violence. Security forces have repeatedly used disproportionate and deadly force during peaceful demonstrations.

Although the government has routinely failed to hold those who perpetrate atrocities in the DRC accountable, on 13 December eleven men from the "Army of Jesus" militia and their leader, Frederic Batumike, were convicted of crimes against humanity for committing mass rape and murder in Kavumu, South Kivu, from 2013-2016.

The government of the DRC has struggled to uphold its Responsibility to Protect and its own forces have been complicit in some previous mass atrocity crimes.

### INTERNATIONAL RESPONSE

On 31 March 2017 the UNSC extended MONUSCO's mandate until March 2018, emphasizing that the DRC government "bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes." The resolution reduced MONUSCO's troop ceiling from 19,815 to 16,215 despite ongoing security challenges.

On 31 May the European Union imposed sanctions on nine individuals with command responsibility for security forces involved in deadly violence against protestors. The following day the United States issued sanctions against General François Olenga for command responsibility of the Republican Guard during violence against the political opposition in Kinshasa. The UNSC also currently subjects 9 entities and 31 individuals connected to armed groups in the eastern DRC to sanctions.

On 22 November the guarantors of the Peace, Security and Cooperation (PSC) Framework for the DRC – including the UN, African Union (AU), International Conference for the Great

Lakes Region and the Southern African Development Community – reviewed the status of election preparations in the DRC. The group issued a joint statement welcoming the setting of the new date for elections and urging the government to fulfill its responsibilities under the CENCO agreement. On 8 December the UNSC passed a resolution reaffirming its support for the PSC Framework and calling upon the government to "vigorously" pursue neutralization of armed groups operating in the eastern DRC.

### NECESSARY ACTION

The DRC government and MONUSCO need to ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups in both the Kasai and eastern regions. The government must halt support for Bana Mura and condemn the ethnic targeting of civilians.

The government must urgently address allegations of the security forces using disproportionate and deadly force against peaceful protesters and ensure accountability for the unlawful killing of civilians. The government should fully cooperate with the HRC-mandated international team of experts, provide access to all relevant sites and establish a credible domestic investigative mechanism. If the government fails to fulfill its promises in this regard, the UNSC should be prepared to act to ensure accountability and potentially refer the situation to the ICC.

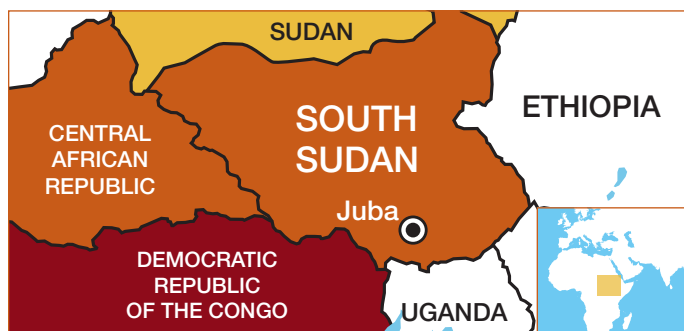
The government must take meaningful steps towards holding the December 2018 elections and ensuring a timely and peaceful transition of power in the DRC.

### MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution, S/RES/2389](#), 8 December 2017
- » [GCR2P Populations at Risk: DRC](#)

## IMMINENT RISK

The situation is reaching a critical threshold and the risk of mass atrocity crimes occurring in the immediate future is very high if effective preventive action is not taken.



4 million South Sudanese – over a quarter of the population – have fled their homes since December 2013

## SOUTH SUDAN

*Despite regional efforts to revitalize the August 2015 peace agreement, ongoing armed conflict in South Sudan poses an imminent risk to populations who may be targeted on the basis of ethnicity and presumed political loyalties.*

### BACKGROUND

Despite President Salva Kiir and opposition leader Riek Machar formally ending the country's 2013–2015 civil war by signing the “Agreement on the Resolution of the Conflict in the Republic of South Sudan” (ARCSS), fighting between the Sudan People's Liberation Army (SPLA) and SPLA in Opposition (SPLA-IO) continues. The Intergovernmental Authority on Development (IGAD) launched a High-Level Revitalization Forum during 2017 in an attempt to reinvigorate the ARCSS, resulting in an “Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access.” Violations of the new agreement occurred just hours after it went into effect on 24 December. During the following week ceasefire violations were reported in Unity, Central Equatoria and Eastern Equatoria states. On 29 December the IGAD Council of Ministers demanded an immediate end to all violence.

Fighting between the SPLA, SPLA-IO and various other armed groups occurred throughout 2017, with clashes in the Equatorias, as well as Unity and Jonglei states, resulting in widespread civilian displacement. Tensions between various ethnic groups also increased as a result of territorial disputes and cattle raids, causing sporadic clashes and deaths, with over 210 people killed in Jonglei state during late November and early December. In response, the government declared a state of emergency in several states during July and again in December.

Since December 2013 an estimated 4 million South Sudanese have been forced to flee their homes due to conflict between

the SPLA and SPLA-IO. On 17 August the number of South Sudanese refugees in Uganda exceeded 1 million people. Another 1 million refugees are located in Sudan, Ethiopia, Kenya, Central African Republic (CAR) and DRC.

Parts of South Sudan have recently experienced famine, which the UN Humanitarian Coordinator for South Sudan called a “man made” situation. The government has also been accused of intentionally denying aid to civilians in rebel-held areas. According to OCHA, 4.8 million people are now severely food insecure and 1.1 million children are acutely malnourished. South Sudan is also the deadliest country in the world for humanitarian workers, with more than 85 killed since December 2013. Nine humanitarian workers were killed during November 2017 alone.

Despite the ARCSS, serious fighting between the SPLA and SPLA-IO initially reignited in Juba during July 2016. In response, on 12 August the UNSC adopted Resolution 2304, authorizing the deployment of a 4,000-strong Regional Protection Force (RPF) to support the UN Mission in South Sudan (UNMISS). After multiple delays imposed by the government, RPF troops started arriving in South Sudan during April.

The ARCSS called for a permanent ceasefire, as well as the establishment of an independent Hybrid Court for South Sudan to investigate atrocities committed during the conflict. Between 2013–2015 at least 50,000 people were killed as parties to the civil war perpetrated war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence, with both sides targeting civilians as part of their military tactics. The government has repeatedly delayed the formation of the Hybrid Court. During December South Sudan's Council of Ministers and the AU specified the role and jurisdiction of the Court. The government also launched a “National Dialogue” during 2017.

### ANALYSIS

Political instability and armed violence have been pervasive in South Sudan for the majority of its six years of independence. During the current dry season the potential for widespread fighting leaves civilians at imminent risk of further mass atrocity crimes, despite the best efforts of the High-Level Revitalization Forum. The government continues to obstruct UNMISS while spending a large part of its national budget on arms.

The ARCSS has never been fully implemented and the root causes of the conflict have not been addressed. The Transitional Government of National Unity, established by the 2015 agreement, exists in name only. A pervasive culture of impunity has fueled recurring cycles of armed violence and mass atrocities in South Sudan.

With ongoing resource deficits and a hostile operating environment, UNMISS is still struggling to protect vulnerable populations.

The government of South Sudan is manifestly failing to uphold its Responsibility to Protect.

## INTERNATIONAL RESPONSE

During May 2017 the UNSC adopted Resolution 2253 extending the sanctions regime until 31 May 2018 and the mandate of the Panel of Experts until 30 June 2018. Six senior military figures, three from both the SPLA and SPLA-IO, are currently subject to targeted sanctions.

Since December 2016 UNMISS' mandate has included authorization to monitor, investigate and report on incidents of hate speech and incitement to violence in cooperation with the UN Office on Genocide Prevention and the Responsibility to Protect. On 23 December 2016 the UNSC failed to adopt a resolution authorizing an arms embargo and further targeted sanctions when eight members of the Council abstained from voting. On 14 December 2017 the UNSC adopted a resolution extending UNMISS' mandate for a period of three months.

On 20 March 2017 the HRC adopted a resolution extending the mandate of the Commission on Human Rights in South Sudan for an additional year and authorizing it to preserve evidence and clarify responsibility for alleged gross violations and abuses of human rights. The resolution also emphasized "that the Government of South Sudan has the primary responsibility to protect all populations in the country."

On 14 December the UNSC issued a Presidential Statement in support of the High-Level Revitalization Forum and warned that there would be a "cost and consequence for those who violate the agreement."

## NECESSARY ACTION

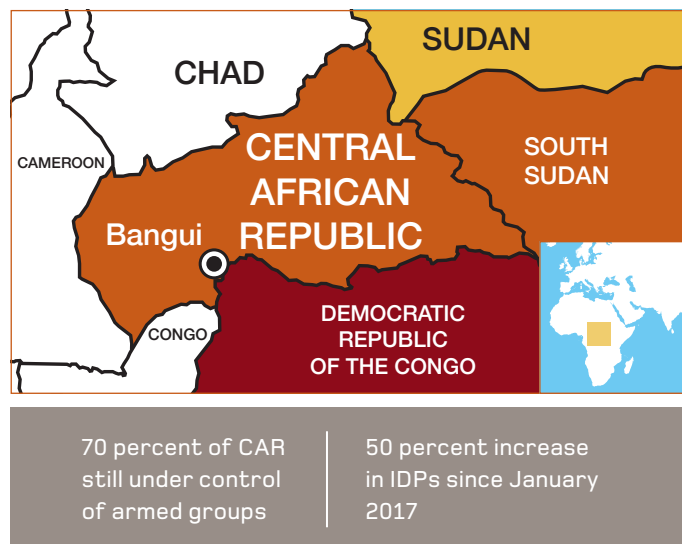
The government must fully implement all provisions of the ARCSS and UNSC Resolution 2304 and fully cooperate with the 24 December 2017 agreement. The government, SPLA, SPLA-IO and all affiliated militias must ensure that UNMISS is able to move freely and without threats to its personnel. UNMISS must be enabled to fully implement its mandate, especially regarding providing protection to vulnerable civilians.

In support of the High-Level Revitalization Forum, the UNSC and IGAD should immediately impose an arms embargo on South Sudan. The UNSC should also expand targeted sanctions against all senior military officers and politicians implicated in atrocities and/or violating the agreed cessation of hostilities.

The AU and the government should expeditiously establish the Hybrid Court and ensure it has the resources to investigate and prosecute individuals responsible for mass atrocities committed since December 2013. The government, AU and IGAD must hold those responsible for past atrocities in South Sudan accountable, regardless of their affiliation or position.

## MORE INFORMATION:

- » [UNMISS Website](#)
- » [UNSC Resolution, S/RES/2327](#), 15 December 2016
- » [UNSC Resolution, S/RES/2392](#), 14 December 2017
- » [UNSC Presidential Statement, S/PRST/2017/25](#), 14 December 2017
- » [GCR2P Populations at Risk: South Sudan](#)



## CENTRAL AFRICAN REPUBLIC

*Populations in the Central African Republic face an imminent risk of mass atrocity crimes committed by various armed groups and militias.*

## BACKGROUND

Civilians in CAR continue to face an imminent risk of mass atrocity crimes as fighting amongst armed groups continues in almost every region outside of the capital, Bangui. Since May 2017 attacks by armed groups, including in areas previously unaffected by large-scale fighting, have resulted in hundreds of people killed and tens of thousands displaced.

The recent violence, largely concentrated in the central and eastern prefectures of Mbomou, Haute-Kotto and Basse-Kotto, is primarily driven by three armed groups: the predominantly Christian anti-balaka and two former members of the Séléka rebel alliance, the Union pour la Paix en Centrafrique (UPC) and the Front Populaire pour la Renaissance de la Centrafrique (FPRC). The FPRC, at times in collaboration with anti-balaka, have systematically targeted ethnic Fulani for attack. In response, armed Fulani self-defense groups have perpetrated violent reprisals, sometimes in collaboration with the UPC.

Sporadic violence is also occurring in the northwest of CAR, particularly in Batangafo and Ngaoundaye. At least 60,000 civilians have been forced to flee intense clashes between armed groups in the Paoua region of northwest CAR since late December.

Pervasive insecurity has also created a safe haven for other armed groups, including the Lord's Resistance Army (LRA), whose fighters attack communities and engage in looting, abductions and sexual violence in the east and southeast of the country.

Direct attacks against humanitarian staff and UN peacekeepers resulted in the death of 16 peacekeepers and 14 humanitarian workers during 2017. Several humanitarian agencies have suspended their work and relocated from highly insecure areas, leaving more than 110,000 civilians without life-saving assistance.

The current crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the mainly-Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of anti-balaka militias. The current escalation of violence is not only rooted in divisions between the Muslim and Christian communities, but is fueled by economic interests and shifting alliances between various predatory armed groups.

A report published by the UN peacekeeping mission in CAR (MINUSCA) and OHCHR during May 2017 found that both anti-balaka and ex-Séléka forces may have committed war crimes and crimes against humanity between 2013-2015. Sexual violence against the civilian population has been used as a tactic by both the Séléka and anti-balaka since early 2013. Widespread and systematic rape and sexual slavery, perpetrated across large parts of the country, may constitute war crimes and crimes against humanity. UNICEF has also warned that children have been targeted during recent attacks, with reports of rape, abduction and recruitment into armed groups.

The number of IDPs in CAR has increased by 50 percent since January 2017, with half of the more than 633,000 IDPs being children. In addition, more than 545,000 people have taken refuge in neighboring countries.

## ANALYSIS

Governmental control remains extremely limited in most areas outside Bangui, allowing rival armed groups to expand their influence. In addition to the anti-balaka, UPC, FPRC and LRA, at least 10 other armed groups operate in CAR, competing for territory, power and resources. According to the UN, an estimated 70 percent of the country (14 out of 16 provinces) is still controlled by armed groups. Illegal trafficking allows for arms proliferation and armed groups benefit from revenues generated through the control of roads and natural resource extraction sites, such as diamond and gold mines.

Attacks by the anti-balaka and FPRC against Muslim and Fulani communities demonstrate the ongoing threat of civilians being targeted because of their religious or ethnic identity. The anti-balaka have engaged in hate speech and incitement against Muslims, calling for them to be "driven out" of the country.

Sexual violence committed against women and girls has been used as a weapon by various armed groups and continues due to a pervasive culture of impunity. Despite the establishment

of the Special Criminal Court for CAR, perpetrators have not been held accountable.

In many parts of the country MINUSCA remains the only force capable of maintaining security, but it continues to face critical capacity gaps that impede its ability to consistently uphold its civilian protection mandate. Allegations of sexual abuse by UN peacekeepers have further weakened MINUSCA's public reputation.

The CAR government requires sustained international assistance to uphold its Responsibility to Protect.

## INTERNATIONAL RESPONSE

The UNSC has passed eleven resolutions since October 2013 that emphasize the government's responsibility to protect all populations in CAR, including Resolution 2339 of 27 January 2017, which renewed sanctions and an arms embargo until 31 January 2018.

In response to the recent resurgence of violence, on 6 October the UN Special Adviser on the Prevention of Genocide, Adama Dieng, undertook a 5-day visit to CAR. The UN Secretary-General also visited CAR from 24-27 October, ahead of MINUSCA's mandate renewal.

On 15 November the UNSC adopted Resolution 2387, increasing MINUSCA by an additional 900 troops in order to protect civilians and prevent any further deterioration of the security situation. The additional peacekeepers will bring the total number of MINUSCA military personnel to 11,650.

## NECESSARY ACTION

MINUSCA should improve its operational ability to rapidly respond to emerging threats. The additional 900 peacekeepers must be deployed as soon as possible to strengthen the mission's civilian protection mandate.

Notwithstanding its numerous reconstruction, reconciliation and security challenges, the government should prioritize accountability for mass atrocity crimes, including by cooperating with the ICC. Significant financial and logistical resources are still needed to operationalize the Special Criminal Court. MINUSCA should assist the authorities to initiate investigations and ensure accountability for mass atrocity crimes.

The international community must enable the government to uphold its protective responsibilities, including through supporting structural reforms of the justice and security sectors.

## MORE INFORMATION

- » [MINUSCA Website](#)
- » [Report of the Secretary-General on the Central African Republic, S/2017/865](#), 18 October 2017
- » [UNSC Resolution, S/RES/2387](#), 15 November 2017
- » [GCR2P Populations at Risk: Central African Republic](#)



## SERIOUS CONCERN

There is a significant risk of occurrence, or recurrence, of mass atrocity crimes within the foreseeable future if effective action is not taken.



ISIL no longer controls any territory in Iraq

11 million Iraqis still require humanitarian assistance

## IRAQ

*The armed extremist group the Islamic State of Iraq and the Levant has committed genocide, war crimes and crimes against humanity in Iraq. As they confront ISIL, some Iraqi Security Forces, Kurdish Peshmerga and Shia militias have also committed possible war crimes.*

### BACKGROUND

During July 2014 ISIL seized vast territory across northern Iraq. Since then, a coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support, has been fighting to recapture cities from ISIL. On 21 November the government announced the end of major anti-ISIL military operations following the liberation of the last districts under ISIL control in Anbar governorate. Nevertheless, sporadic clashes with ISIL fighters have continued across parts of Nineveh governorate, where approximately 1 million people remain displaced.

According to a joint report by OHCHR and the UN Assistance Mission for Iraq (UNAMI), at least 2,521 civilians were killed during the October 2016–July 2017 military operation to retake Mosul from ISIL. During the battles for Mosul and Hawija ISIL fighters used civilians as human shields and targeted and killed civilians attempting to flee areas under their control.

Despite their overall military defeat, ISIL fighters continue to pose a threat to vulnerable ethnic and religious minorities, including Christians, Shabak, Yazidis and Turkmen. UNAMI and OHCHR have reported that ISIL's past violations, "may amount to war crimes, crimes against humanity and possibly genocide." OHCHR and UNAMI have reported that at least 94 mass graves

have been found in formerly ISIL-held territory since June 2014. On 12 November the ISF reported the discovery of a mass grave near Hawija which contains up to 400 bodies of civilians and security personnel.

The UN Commission of Inquiry on Syria has also reported that ISIL "has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis" in Iraq. It is estimated that at least 6,450 Yazidi men, women and children have disappeared. ISIL also routinely targets civilians from the majority Shia population in sectarian terrorist attacks.

The United States-led coalition has been conducting airstrikes against ISIL in Iraq since August 2014, following the Iraqi government's request for assistance after the group seized the northern town of Sinjar. The coalition was responsible for hundreds of civilian deaths during 2017, including up to 200 civilians killed in a single airstrike in Mosul on 17 March.

OHCHR has expressed concern at reports of forced evictions and killings committed by Iraqi and Kurdish security forces and affiliated militias against Sunni communities in parts of Iraq that have been reclaimed from ISIL. Since Mosul was retaken, there have been reports of torture, extrajudicial killings and other reprisals against suspected ISIL members and their families. Additionally, UNAMI has expressed concerns at mass executions of alleged ISIL members, including the hanging of 42 condemned prisoners on 25 September and 38 prisoners on 14 December.

OCHA estimates that as of November 11 million people in Iraq – one third of the population – were still in need of humanitarian assistance, with 3 million people still internally displaced.

### ANALYSIS

Despite losing its territory within Iraq during 2017, ISIL still poses a threat to Iraq's ethnic and religious minorities, as well as members of the majority Shia community. ISIL is committed to the extermination of all religious communities that do not conform to its strict interpretation of Islam.

Having jointly defeated ISIL, conflict between the Kurdistan Regional Government and the central government in Baghdad poses a threat to the safety and security of vulnerable civilians. Some Shia militias, mobilized by the government to fight ISIL, now pose a direct threat to Sunni civilians and threaten the stability and cohesion of the country. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq. The Iraqi government must take active steps to facilitate reconciliation amongst the various ethnic and religious communities in Iraq and minimize the risk of recurring armed conflict.

The Iraqi government needs ongoing international assistance to uphold its Responsibility to Protect.

## INTERNATIONAL RESPONSE

On 14 July the UNSC adopted Resolution 2367, renewing the mandate of UNAMI until 31 July 2018.

Following a request by the Iraqi government for international assistance to pursue accountability for atrocities perpetrated by ISIL, on 21 September the UNSC authorized the establishment of an Investigative Team to support domestic accountability efforts by collecting evidence regarding potential war crimes, crimes against humanity and genocide in Iraq. The team will be headed by a Special Adviser to be appointed by the Secretary-General, and will consist of both international and domestic experts.

## NECESSARY ACTION

While continuing to battle ISIL and other armed extremist groups, it is essential that the Iraqi government protects all civilians and addresses the underlying sources of conflict between Sunnis, Shias and Kurds. The government of Iraq and the KRG should actively prevent any further political polarization and armed conflict.

As anti-ISIL operations end, all relevant authorities should investigate and punish human rights abuses and actively prevent reprisals against Sunni civilians in areas recaptured from ISIL. The Iraqi government should take steps to disarm, demobilize and reintegrate members of the “Popular Mobilization Forces,” and accelerate security sector reform.

UN member states should fully cooperate with the Investigative Team established by Iraq and the UNSC, and provide technical assistance. The government of Iraq should adopt enabling legislation to incorporate genocide, war crimes and crimes against humanity into domestic law. All perpetrators of atrocities in Iraq, regardless of affiliation, should be held accountable for their crimes.

## MORE INFORMATION

- » [UNAMI Website](#)
- » [“Human Rights, Every Day, for All Iraqis: Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq,” UNAMI and OHCHR, 22 August 2017](#)
- » [UNSC Resolution, S/RES/2379, 21 September 2017](#)
- » [GCR2P Populations at Risk: Iraq](#)



## SUDAN

*Populations in South Kordofan, Blue Nile and Darfur face the risk of recurring armed conflict and mass atrocity crimes perpetrated by the Sudanese Armed Forces, affiliated militias and armed rebel groups.*

## BACKGROUND

For more than six years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in armed hostilities in South Kordofan and Blue Nile states. OCHA estimates that there are as many as 700,000 IDPs spread across government and SPLM-N controlled territory in the two states, while nearly 280,000 people have fled to neighboring countries. The government of Sudan prohibits access to South Kordofan and Blue Nile and systematically obstructs aid from reaching vulnerable civilians. Despite a significant decline in fighting during 2017, recurring armed conflict poses a threat to civilians in Darfur, South Kordofan and Blue Nile.

The SAF has previously committed war crimes, including extrajudicial killings, forced displacement and widespread sexual violence against civilians in South Kordofan, Blue Nile and Darfur. It has also engaged in “scorched earth” tactics, systematically targeting food sources and deliberately destroying civilian infrastructure. The SPLM-N and their armed wing, the SPLA-N, have also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

During 2016 the AU High Level Implementation Panel (AUHIP) for Sudan proposed a Roadmap agreement to help end the conflicts in Darfur, South Kordofan and Blue Nile. Despite the Sudanese government and a number of rebel groups, including the SPLM-N, signing the Roadmap, the parties failed to agree on a permanent cessation of hostilities. On 4 January President Omar al-Bashir further extended a unilateral ceasefire for Blue Nile and South Kordofan states until 31 March 2018.

The SPLM-N's unilateral ceasefire is currently due to expire on 31 January 2018.

Civilians in Darfur continue to face the threat of recurring inter-communal violence, as well as possible attacks by the SAF and Rapid Support Forces, a pro-government militia. As of December 2017, a total of 2.1 million people were still displaced in Darfur. During May the AU and UN reported that the security situation in parts of Darfur remains precarious due to activities of militia groups. However, according to UNHCR, a growing number of refugees and IDPs are gradually returning to Darfur.

The government continues to systematically obstruct the AU-UN hybrid peacekeeping force in Darfur (UNAMID), tasked with a civilian protection mandate, from carrying out human rights monitoring. Since 2008 more than 70 UNAMID peacekeepers have also been killed.

## ANALYSIS

The government has a history of perpetrating atrocities in Darfur, South Kordofan and Blue Nile. Previous attacks on civilian areas by the SAF and SPLA-N demonstrate an unwillingness to distinguish between combatants and civilians, actions that may amount to war crimes and crimes against humanity. The government and SPLA-N have consistently defied external pressure to hold perpetrators of these atrocities accountable.

Since its deployment in Darfur in 2008, UNAMID has been unable to consistently provide adequate protection to civilians. Sporadic inter-communal clashes and SAF operations contribute to the risk of recurring armed conflict. Attacks on UN peacekeepers constitute war crimes, while restrictions on UNAMID's freedom of movement contravene the Status of Forces Agreement between the UN, AU and Sudan. While the overall level of violence in Darfur decreased during 2017, several areas, especially Jebel Marra, still require a robust peacekeeping presence.

International pressure is necessary to ensure that the government of Sudan upholds its Responsibility to Protect and is held accountable for mass atrocity crimes previously committed in South Kordofan, Blue Nile and Darfur.

## INTERNATIONAL RESPONSE

The UNSC has adopted at least 57 resolutions on Sudan since 2004, most of which have not been fully implemented.

Following a UNSC referral regarding the situation in Darfur, between 2007 and 2014 the ICC issued arrest warrants for three Sudanese government officials, including multiple warrants for President Omar al-Bashir on charges of war crimes, crimes against humanity and genocide. The ICC has also issued warrants for one pro-government and two anti-government militia leaders. None of the indictees have been surrendered to the Court and the Chief Prosecutor of the ICC has repeatedly criticized the UNSC for failing to meaningfully assist in their arrest.

On 29 June the UNSC adopted Resolution 2363, which extended UNAMID's mandate until 30 June 2018. The Council mandated a phased reduction of the military component of UNAMID by 44 percent and the police component by 30 percent.

The UN has imposed an arms embargo on Darfur since 2004 and travel ban and asset freeze against six individuals since 2006. On 6 October 2017 the United States lifted sanctions against Sudan.

## NECESSARY ACTION

The government, SPLM-N and other parties must abide by the AUHIP Roadmap and permanently end armed hostilities in Darfur, South Kordofan and Blue Nile. The UNSC and AU should ensure the government and SPLM-N facilitate the delivery of humanitarian assistance to vulnerable civilians.

Following the reconfiguration of UNAMID, the UNSC must closely monitor the precarious security situation in Darfur. The UNSC should also actively support efforts to bring ICC indictees to justice. States parties to the Rome Statute of the ICC should deny President Bashir entry to their country or should comply with ICC warrants and arrest him.

## MORE INFORMATION

- » [UNAMID Website](#)
- » [Report of the Independent Expert on the situation of human rights in Sudan, A/HRC/36/63, 27 July 2017](#)
- » [GCR2P Populations at Risk: Sudan](#)



More than 1,200 people killed  
and 430,000+ refugees since  
April 2015

## BURUNDI

*Populations in Burundi face a risk of potential mass atrocity crimes as systematic human rights violations and abuses continue.*

## BACKGROUND

Ongoing violations and abuses of human rights leave populations in Burundi at risk of mass atrocity crimes. The HRC-mandated Col on Burundi has found that potential crimes against humanity

may have been committed in the country since April 2015, including arbitrary arrest and detention, torture, extrajudicial killings, enforced disappearances and rape.

Violations and abuses of human rights have primarily been carried out by the National Intelligence Service and the police, sometimes in collaboration with the Imbonerakure, the youth wing and de facto militia of the ruling party, Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD–FDD). Opposition elements have also been accused of assassinations and grenade attacks in Bujumbura.

More than 1,200 people have been killed in politically-inspired violence since April 2015, while an unknown number of individuals have been the victims of enforced disappearances. An estimated 430,000 Burundian refugees remain in neighboring countries and almost 200,000 Burundians have been internally displaced. The majority of displaced Burundians are children under the age of 18. Humanitarian appeals remain severely underfunded, leaving hundreds of thousands of Burundians without protection and assistance.

The initial crisis developed following the April 2015 announcement by the CNDD–FDD that President Pierre Nkurunziza would seek a third presidential term. This was regarded by many as violating the 2000 Arusha Peace Agreement, which ended a civil war that claimed over 350,000 lives between 1993 and 2005. Following a failed coup and protest violence, President Nkurunziza was elected for a third term during July 2015.

President Nkurunziza has suggested he may run for a fourth term in 2020 and has appointed a 15-member commission to propose draft amendments to the constitution. The constitution, based on the Arusha Peace Agreement, currently restricts presidential term limits and sets ethnic quotas for state institutions. On 24 October the Burundian government approved draft changes to the constitution, which would allow incumbent President Nkurunziza to potentially run for office for another two seven-year terms. The referendum of the draft constitution is scheduled for May 2018.

During 2016 the government undertook steps to isolate itself from the UN and AU. The East African Community (EAC) has attempted to mediate between the government and opposition parties, but talks have stalled. The fourth inter-Burundian dialogue, which took place between 27 November and 8 December 2017 in Arusha, Tanzania, failed to address the roots of the political crisis, and was boycotted by exiled opposition parties and civil society activists.

## ANALYSIS

Recurring political and ethnic conflict have previously resulted in mass atrocity crimes in Burundi. Incitement to violence, enforced disappearances, torture, rape and extrajudicial killings have contributed to a climate of fear. Despite the precarious security situation and ongoing serious violations of human

rights, the government has repeatedly called for Burundian refugees to return.

The government's refusal to cooperate with the UNSC, the HRC's Col, OHCHR and the ICC is a disturbing indication of its unwillingness to engage with the international community and adhere to international law. In addition, the government has publicly announced its desire to "bring to justice" the authors of the report of the Col, threatening the safety and security of independent investigators mandated by the HRC.

The government is failing to uphold its Responsibility to Protect all Burundians, regardless of ethnicity or political affiliation.

## INTERNATIONAL RESPONSE

On 25 April 2016 the ICC announced its preliminary examination into the situation in Burundi. On 18 October 2016 President Nkurunziza initiated Burundi's withdrawal from the Rome Statute, which came into effect during October 2017. Prior to their withdrawal the ICC opened an investigation into crimes committed in Burundi from April 2015 until 26 October 2017.

On 29 July 2016 the UNSC passed Resolution 2303, authorizing up to 228 UN police to monitor the security and human rights situation. The government of Burundi refused to accept the monitors. One year later the UNSC adopted a Presidential Statement expressing the Council's intention to pursue targeted measures against those who threaten the peace and security of Burundi. There has been no subsequent diplomatic action.

On 30 September 2016 the HRC created the Col to investigate human rights violations and abuses in Burundi. On 29 September 2017 the HRC extended the mandate of the Commission for another year, despite the refusal of the government to allow the Commissioners to enter Burundi.

On 28 September 2017 the HRC also adopted a Burundi government-supported resolution requesting OHCHR to dispatch a team of three experts to support the judicial authorities of Burundi to collect information and ensure accountability for violations of human rights.

## NECESSARY ACTION

Practical steps must be taken by the government and opposition to avoid any further militarization and ethnicization of the conflict. Allegations of systematic human rights violations and abuses must be credibly investigated and perpetrators held accountable.

The government should engage constructively with the political dialogue led by the EAC and collaborate with the UNSC, OHCHR and HRC. The Col should be permitted to enter Burundi to conduct its mandated investigation. The UNSC and the international community should impose targeted sanctions against all those who continue to threaten peace and security in

Burundi, including the list of suspected perpetrators of crimes against humanity supplied by the Col.

## MORE INFORMATION

- » [Final report of the Commission of Inquiry, A/HRC/36/54](#), 4 September 2017
- » [UN HRC Resolution, A/HRC/36/L.33](#), 28 September 2017
- » [UN HRC Resolution, A/HRC/36/L.9 Rev. 1](#), 29 September 2017
- » [GCR2P Populations at Risk: Burundi](#)



Over 9,000 extrajudicial killings since June 2016

## PHILIPPINES

*The government's "war on drugs" leaves civilians in the Philippines at risk of extrajudicial killings that may amount to crimes against humanity.*

### BACKGROUND

Since President Rodrigo Duterte took office during June 2016, over 9,000 people have been extrajudicially killed during his proclaimed "war on drugs," although the number is likely significantly higher. More than 3,900 people have been killed in police operations while thousands of deaths have been attributed to unidentified gunmen who carry out vigilante-style executions of alleged drug offenders. President Duterte has previously encouraged vigilantes to join his campaign.

On 2 March 2017 Human Rights Watch released a report on the Philippines National Police (PNP), noting that official reports of killings committed during the "war on drugs" are often contradicted by eyewitness accounts and that police have routinely planted evidence.

President Duterte has compared his "war on drugs" with the Holocaust and declared his willingness to "slaughter" millions of suspected drug abusers. Other high-ranking government officials have echoed these sentiments, including the Justice Secretary, who stated that the killings could not be deemed

crimes against humanity as drug offenders were not "part of humanity." President Duterte has silenced those opposed to the killings, including by imprisoning a parliamentary opponent and threatening to abolish the constitutionally-mandated Commission on Human Rights.

On 24 April Jude Sabio, a Philippine lawyer, filed a complaint with the ICC accusing President Duterte and 11 other senior officials of crimes against humanity and mass murder. Two Philippine legislators filed a supplemental communication on 6 June urging the ICC to conduct a preliminary examination. Philippine lawyers also filed a Supreme Court injunction on 11 October in an attempt to halt the "war on drugs."

During May 2017 Maute, an armed group affiliated with ISIL, seized parts of Marawi city causing President Duterte to declare martial law on the southern island of Mindanao. Subsequent fighting between the army and Maute displaced over 360,000 people. On 23 October the Philippines military formally declared that the city had been retaken. Nevertheless, martial law was extended until December 2018.

### ANALYSIS

While the government of the Philippines has sovereign authority to maintain law and order within its borders, including by punishing those who deal in illegal drugs and commit acts of terrorism, it is obligated to do so with respect to IHRL. By openly calling for armed vigilantes to join his "war on drugs," President Duterte has actively promoted an atmosphere of impunity for murder. Filipinos are at growing risk of extrajudicial killings that may amount to crimes against humanity.

The government of the Philippines is failing to uphold its Responsibility to Protect all Filipinos from crimes against humanity, including those accused of drug offenses.

### INTERNATIONAL RESPONSE

During November 2016 the United States halted the sale of 26,000 assault rifles to the PNP and reallocated \$4.5 million in aid to maritime security and human rights training, citing concerns over human rights violations. Other states have continued to donate arms to the PNP including China, which recently transferred over \$3 million worth of small arms and ammunition, and Russia, which donated assault rifles.

On 8 March 2017 the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, called for an independent investigation into extrajudicial killings in the Philippines. During May 2017 the HRC conducted its Universal Periodic Review of the Philippines, issuing 257 recommendations including halting and investigating extrajudicial killings. The Philippines government has rejected 154 of the recommendations.

### NECESSARY ACTION

National authorities in the Philippines must restore the rule of law and immediately halt widespread extrajudicial killings.



The HRC should continue to closely monitor the situation in the Philippines. The international community should establish an independent investigation into extrajudicial killings and the "war on drugs."

States with strong economic and political ties to the Philippines, especially the United States and China, must increase diplomacy aimed at ending extrajudicial killings.

## MORE INFORMATION

- » [Universal Periodic Review of the Philippines](#), 8 May 2017
- » [Populations at Risk: Philippines](#)



2 million IDPs

875,000 Somali refugees  
in neighboring countries

## SOMALIA

*Populations in Somalia remain at risk of war crimes and crimes against humanity perpetrated by Al-Shabaab and various armed forces.*

### BACKGROUND

Despite the 2012 formation of the Federal Government of Somalia, populations remain at risk of atrocities perpetrated by armed extremist groups and the forces combatting them. On 10 December the UN Assistance Mission in Somalia and OHCHR released a report detailing violations of IHL and IHRL committed in Somalia from January 2016 until October 2017. According to the report, at least 2,078 civilians were killed, including 1,233 fatalities attributed to Al-Shabaab and 329 caused by Somali security forces and troops from the AU Mission in Somalia (AMISOM).

Over 2 million people still live in Al-Shabaab controlled territory, mainly in the rural areas of Hirshabelle, Jubaland and South West Somalia. Al-Shabaab fighters routinely violate IHL and IHRL, including by torturing detainees, attacking hospitals and schools, targeting civilians, and using civilians as human shields. The group actively recruits child soldiers, who comprise more than half of their forces. Al-Shabaab has also blocked civilians from access to vital humanitarian assistance and continues to

target AMISOM and humanitarian convoys for attack. On 30 July more than 20 AMISOM troops were killed in an Al-Shabaab ambush in Lower Shabelle.

In addition to the threat posed by Al-Shabaab, ISIL has a growing presence in Somalia. Territorial disputes between communities in the border regions of Galmudug, Puntland and Somaliland also pose a risk to vulnerable civilians.

Some Somali National Army and AMISOM forces tasked with providing civilian protection have at times posed a direct threat to civilians, committing rape, arbitrary detention and other grave violations of human rights.

After decades of armed conflict, an estimated 2.1 million Somalis are still internally displaced while over 875,000 have fled to neighboring countries. Over 6.2 million Somalis require humanitarian assistance, while the threat of famine persists in several regions.

### ANALYSIS

Despite political advances, the Federal Government of Somalia currently lacks the capacity to adequately protect civilians from the predations of various armed groups. While the AU has trained AMISOM forces to respect IHL and IHRL and advised on methods to reduce civilian harm, large-scale military offensives against Al-Shabaab still pose a threat to vulnerable populations. Despite challenges, AMISOM remains the main source of safety and security in Somalia.

The Federal Government of Somalia and AMISOM have a Responsibility to Protect civilians from war crimes and crimes against humanity as they battle against Al-Shabaab and other armed extremist groups.

### INTERNATIONAL RESPONSE

On 30 August the UNSC passed Resolution 2372, which recalled the Federal Government of Somalia's responsibility to protect its population and to build its national security forces in full compliance with IHL and IHRL. Resolution 2372 also renewed AMISOM's mandate until 31 May 2018 and lowered AMISOM's troop ceiling to 21,626. AMISOM is expected to fully withdraw from Somalia by 2020.

On 14 November the UNSC passed Resolution 2385 renewing the partial arms embargo for Somalia until 15 November 2018, while noting that the government of Somalia has the primary responsibility to protect its population and must improve the capacity of the national security forces.

Working with the Somali government, the United States conducted over 30 airstrikes against Al-Shabaab and ISIL in Somalia during 2017.

### NECESSARY ACTION

International partners should continue to support efforts aimed at defeating Al-Shabaab and enhancing national governance, as well as protecting and promoting human rights in Somalia.

The Federal Government of Somalia, AMISOM and allied forces, including the United States, must ensure that their military campaigns against Al-Shabaab are carried out in strict adherence with IHL and IHRL. A coordinated political strategy aimed at countering violent extremism should also be implemented in order to prevent recruitment to Al-Shabaab and other armed groups.

All alleged war crimes in Somalia must be properly investigated and the perpetrators held accountable, regardless of rank or affiliation.

#### MORE INFORMATION

- » [AMISOM Website](#)
- » [UNSC Resolution, S/RES/2385](#), 14 November 2017
- » [Populations at Risk: Somalia](#)



**Global Centre for the  
Responsibility to Protect**

**Ralph Bunche Institute for  
International Studies**

The CUNY Graduate Center,  
365 Fifth Avenue, Suite 5203,  
New York, NY 10016, USA

Phone: (+1) 212.817.1929  
[www.globalr2p.org](http://www.globalr2p.org)  
Email: [info@globalr2p.org](mailto:info@globalr2p.org)

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**Executive Director**  
Simon Adams

**Deputy Executive Director**  
Savita Pawnday

**Publications Director**  
Jaclyn D. Streitfeld-Hall

**Contributors**  
Sarah Hunter, Nadira Khudayberdieva,  
Juliette Paauwe, Elisabeth  
Pramendorfer, Anna Samulski

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