

R2P MONITOR

15 JULY 2017
ISSUE 34

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.

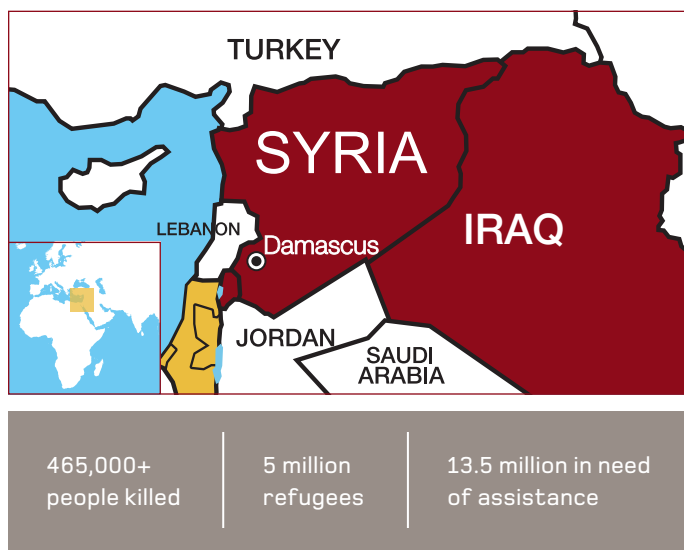
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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



SYRIA

Populations continue to face the threat of mass atrocity crimes committed by government forces and their allies in Syria's ongoing civil war. Various non-state armed groups, including the Islamic State of Iraq and the Levant, are also committing war crimes and crimes against humanity.

BACKGROUND

Since the Syrian conflict began in 2011, the civil war between government and armed opposition forces has escalated into a multidimensional crisis in which over 465,000 people have been killed. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of April 2017 there were 5 million Syrian refugees and at least 6.3 million internally displaced persons (IDPs) - the largest number of people displaced by any conflict in the world. Over 13.5 million Syrians remain in dire need of humanitarian assistance, with 4.53 million people in inaccessible areas, including 540,000 trapped in 11 besieged areas. Humanitarian access has deteriorated since the start of 2017 as government forces routinely obstruct the delivery of cross-border aid.

For over five years the UN Human Rights Council-mandated Commission of Inquiry (CoI) has consistently reported that government forces have committed war crimes and crimes against humanity as a matter of state policy. The most recent CoI report determined that between July and December 2016, Syrian and Russian forces deliberately targeted civilians and civilian infrastructure with airstrikes. The CoI also labeled the evacuation of civilians from formerly opposition-held eastern Aleppo as "a policy of forced displacement." Numerous armed opposition groups have also committed war crimes, violated international humanitarian law (IHL) and targeted religious minorities for attack.

Despite political negotiations in both Geneva and Astana aimed at ending the civil war, intense fighting between Syrian government forces and armed opposition groups continued throughout May and June. On 4 May, during the Astana talks, Russia, Iran and Turkey reached agreement on the creation of "de-escalation zones" in Idlib, Homs, Deraa, and Al-Quneitra provinces and in eastern Ghouta. Despite the nominal creation of these zones, fighting has intensified in both Deraa and eastern Ghouta. The Syrian Observatory for Human Rights (SOHR) documented the deaths of at least 1,720 civilians, including 446 children, during May and June.

During April an agreement was reached between government forces and armed opposition groups in which residents of the besieged towns of Foah and Kefraya were evacuated in return for safe passage of residents from the opposition-held towns of Madaya and Zabadani. On 14 June the Chair of the CoI reported that in some cases such evacuation deals involved the forced transfer of civilians and amount to war crimes.

The so-called Islamic State of Iraq and the Levant (ISIL) also poses a direct 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 Syrian Democratic Forces (SDF) launched their offensive on ISIL's self-proclaimed capital of Ar-Raqqah city on 6 June, with air support from a United States-led international coalition. On 14 June the Chair of the CoI reported that the airstrikes have resulted in a "staggering loss of civilian life," and the SOHR reported that since 1 March coalition airstrikes have killed 686 civilians in Ar-Raqqah governorate.

The United States-led coalition has admitted to using multipurpose white phosphorus munitions in both Syria and Iraq. White phosphorus can be used as an incendiary weapon that burns structures and people. The air-delivery of incendiary weapons in civilian populated areas is prohibited under IHL.

The Organization for the Prohibition of Chemical Weapons (OPCW)-Joint Investigation Mechanism (JIM) has previously determined that Syrian government forces used chlorine gas in three separate incidents between 2014 and 2015 and that ISIL was responsible for a 2015 sulfur-mustard attack. On 1 May Human Rights Watch reported evidence that Syrian government forces used nerve agents on at least three other occasions during December 2016 and March 2017. The use of chemical weapons is a war crime and also directly contravenes UN Security Council (UNSC) Resolution 2118 of September 2013.

On 4 April at least 92 people, including 28 children, were killed in a chemical weapons attack on the opposition-held town of Khan Shaykhun in Idlib province. On 30 June the OPCW fact-finding

mission confirmed that victims in Khan Shaykhun were exposed to sarin. Following the Khan Shaykhun attack, the United States carried out a unilateral strike on Al Shayrat airfield in Homs governorate. The declared intention was to reduce the Syrian government's ability to deliver chemical weapons and marked the first time the United States has taken direct military action against Syrian government forces. The United States has carried out three more strikes on Syrian government and allied forces since April, including shooting down a Syrian government fighter jet near Ar-Raqqa on 18 June. In response, the Russian Defence Ministry announced it would treat coalition aircraft flying west of the Euphrates River as potential targets.

Iranian government-backed forces and Hezbollah militias have provided essential economic and military support to the Syrian government, while Russian forces have carried out airstrikes since September 2015. Russian operations have largely targeted opposition forces and civilian areas outside government control, although the Russian government has claimed their air campaign is focused on ISIL. The SOHR reported that Russian airstrikes had killed 3,527 ISIL fighters and 5,237 civilians, including 1,286 children, as of 30 June. According to the SOHR, airstrikes by the United States-led coalition have killed at least 1,799 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 parties 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 attacks on civilian populated areas makes them complicit in alleged war crimes. The alarming increase 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.

The fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. ISIL and several other armed groups pose a direct 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. The recent escalation in military friction between the United States-led coalition and the Syrian government threatens a potential direct military confrontation between the United States and Russia. 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 Col, former UN Secretary-General Ban Ki-moon and the 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 to the conflict. Since 2013, the UNSC has passed resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several of these resolutions 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 two resolutions, most recently on 12 April. That vetoed resolution would have condemned the Khan Shaykhun attack and obligated the Syrian government to comply with recommendations of the OPCW-JIM.

On 21 December 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 UN Human Rights Council has adopted 22 resolutions condemning atrocities in Syria. The latest, adopted on 23 June, condemned systematic and widespread violations of human rights and called upon all member states to actively support the IIIM. The resolution also demands the Syrian authorities meet their responsibility to protect the population.

The UN hosted a seventh round of intra-Syrian talks in Geneva from 10-14 July.

A tentative ceasefire brokered by the United States, Russia and Jordan went into effect in southwestern Syria on 9 July.

NECESSARY ACTION

In keeping with various UNSC resolutions, Syrian government forces, armed opposition groups and all 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 end the civil war. Neutral humanitarian corridors should be urgently established for besieged civilian populations. The UNSC should demand UN access to monitor any voluntary evacuations and ensure the wellbeing of civilians. The UNSC previously demanded such access for UN monitors to eastern Aleppo via Resolution 2328.

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 ensure all military operations are fully consistent with international law. All potential violations of international law, including possible war crimes, must be thoroughly investigated and perpetrators held accountable.

MORE INFORMATION

- » [UN General Assembly Resolution, A/RES/71/248](#), 21 December 2016
- » [Report of the Independent International Commission of Inquiry on the Syrian Arab Republic A/HRC/34/64](#), 2 February 2017
- » [HRC Resolution, A/HRC/35/L.9](#), 16 June 2017
- » [GCR2P Populations at Risk: Syria](#)



920,000+ people displaced from Mosul

11 million Iraqis in need of humanitarian assistance

IRAQ

The extremist armed 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 are also committing possible war crimes.

BACKGROUND

On 9 July a coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support, announced the successful recapture of the city of Mosul from ISIL, dealing a serious defeat to the armed extremist group. It was from within the historic Al-Nuri Mosque in Mosul's Old City where ISIL proclaimed its so-called caliphate

in 2014. On 21 June ISIL completely destroyed the mosque in a deliberate explosion, although the group has claimed it was destroyed in an airstrike by the United States-led coalition.

The offensive to retake Mosul began on 17 October, and according to the UN High Commissioner for Refugees (UNHCR), throughout the subsequent eight months at least 920,000 people were displaced from the city. On 18 October the Office of the UN High Commissioner for Human Rights (OHCHR) announced that ISIL had abducted at least 8,000 families and moved them to strategic locations in Mosul to be used as human shields. Hundreds of civilians who resisted were killed. Additionally, Human Rights Watch has reported that ISIL fighters regularly targeted and killed civilians attempting to flee the city. During June the UN announced a "significant escalation" of such atrocities.

OHCHR has reported that at least 70 mass graves have been found in formerly ISIL-held territory since October 2016. The ISF and Kurdish Peshmerga forces have discovered five additional mass graves in towns near Mosul. Three of the mass graves were discovered in Hammam al-Alil and likely contain the bodies of hundreds of missing Iraqi police officers. Two other mass graves of members of the Yazidi community were discovered near the Shababit junction in northwestern Iraq. On 22 March Human Rights Watch reported that ISIL had also disposed of the bodies of an unknown number of executed ISF members in a sinkhole near Mosul.

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. On 17 March up to 200 civilians may have been killed in an airstrike in the al-Jadidah district of Mosul. On 25 May the United States Department of Defense admitted that a coalition airstrike may have triggered a secondary explosion, killing over 100 civilians.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minorities, including Christians, Shabak, Yazidis and Turkmen, causing their mass displacement. UNAMI and OHCHR have reported that ISIL's violations, "may amount to war crimes, crimes against humanity and possibly genocide." The 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 approximately 1,500 Yazidi women and girls remain enslaved by ISIL.

ISIL also routinely targets civilians from the majority Shia population in sectarian attacks. On 9 June two explosions, one in the predominantly Shia village of Musayyib and another in the holy city of Karbala, killed at least 21 people.

OHCHR has expressed concern at reports of forced evictions and killings committed by Iraqi and Kurdish security forces and affiliated militias "against Sunni Arab communities in parts of

Iraq that have been reclaimed from ISIL,” particularly Fallujah and Mosul. On 5 June Human Rights Watch reported that at least 26 bodies of blindfolded and handcuffed men have been found in government-held areas in and around Mosul since the operation to retake the city began, raising concerns about extrajudicial killings and other violent reprisals.

OCHA estimates that as of April 2017, 11 million people in Iraq – one third of the population – are still in need of humanitarian assistance, with 3.1 million people internally displaced.

ANALYSIS

ISIL poses an existential threat to Iraq’s ethnic and religious minorities, who face the risk of further mass atrocities. ISIL’s sectarian violence also poses a direct threat to members of the majority Shia community. ISIL is committed to the extermination of all religious communities and minority cultures that do not conform to its strict interpretation of Islam.

The recapture of Mosul is a crucial step towards defeating ISIL in Iraq. However, ISIL still maintains control over territory in the west of the country and in Kirkuk governorate. As the territory controlled by ISIL shrinks the group will also likely increase terrorist attacks across Iraq. It remains essential that all parties combatting ISIL ensure the protection of all civilians and uphold their obligations under international law.

Despite a November 2010 power-sharing agreement between political parties representing Shias, Sunnis and Kurds, many Sunnis felt marginalized under former President Nouri al-Maliki. ISIL exploited widespread disaffection to build alliances with Sunni tribes and seize large swathes of territory and resources during 2014. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq. Some Shia militias, mobilized by the government to fight ISIL, continue to pose a direct threat to Sunni civilians.

As IDPs return and reintegration and rebuilding efforts get underway, the Iraqi government must take practical steps to facilitate reconciliation amongst the various ethnic communities and religious populations represented in northern Iraq to minimize the risk of recurring violence. The Iraqi government needs ongoing international assistance to uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

In addition to international support for the Iraqi government, several European Union (EU) member states, as well as Albania and Canada, have provided ongoing assistance to Kurdish fighters battling ISIL.

On 25 July 2016 the UNSC adopted Resolution 2299, renewing the mandate of the UN Assistance Mission for Iraq (UNAMI) until July 2017.

On 18 August OHCHR and UNAMI released a report calling for Iraq to accede to the Rome Statute of the ICC and hold

ISIL perpetrators accountable for “targeting and seeking to destroy” the Yazidi.

On 1 November the UN Special Adviser on the Prevention of Genocide, Adama Dieng, condemned crimes committed by ISIL and retaliatory violence against Sunni communities during the Mosul offensive.

NECESSARY ACTION

The international community should continue to provide support to the Iraqi government to combat the threat ISIL poses to vulnerable populations, especially religious and ethnic minorities. The Kurdistan Regional Government is also in need of international support to defend against ongoing ISIL attacks.

While confronting ISIL and other armed 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 Kurdistan Regional Government must strictly uphold their obligations under IHL. Iraq’s international supporters must ensure that all parties participating in the military coalition against ISIL take effective measures to ensure the consistent protection of civilians.

The government must investigate and punish human rights abuses and actively prevent reprisals by the ISF and allied militias against Sunni civilians in areas recaptured from ISIL.

The UNSC, with Iraqi government support, should immediately establish an international investigative commission to collect and preserve evidence regarding mass atrocity crimes perpetrated in Iraq, including the genocide against the Yazidi and war crimes committed in Mosul. Perpetrators should be held accountable under international law.

MORE INFORMATION

- » [UNAMI Website](#)
- » [“A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL,” OHCHR and UNAMI, August 2016](#)
- » [GCR2P Populations at Risk: Iraq](#)



4,700+ civilians killed

3.1 million people
displaced by violence

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

Despite several temporary ceasefire agreements and intermittent UN-brokered peace talks between the government and Houthi rebels, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. The last attempted ceasefire, which started on 19 November 2016, collapsed within 48 hours.

During recent months, fighting has escalated in the besieged city of Taizz. As government forces advance into the city, indiscriminate shelling continues. OCHA has reported that approximately 70 percent of the wounded in Taizz are women and children.

Violence between Houthi rebels and various pro-government forces, as well as Saudi-led coalition airstrikes, has resulted in more than 10,000 people being killed, including over 4,700 civilians, since March 2015. More than 3.1 million Yemenis have been forcibly displaced while an estimated 18.8 million people – over 75 percent of the population – require humanitarian assistance. Since a cholera outbreak began in May, over 300,000 cases have been reported and over 1,700 people have died. At least 8 million people currently lack access to clean drinking water and sanitation.

According to the UN Children's Fund (UNICEF), the conflict's death toll includes at least 1,300 children. During March UNICEF warned that as many as 462,000 children in Yemen are at risk of death due to severe acute malnutrition, and on 13 June reported that almost half of those affected by cholera are children. Additionally, on 27 March UNICEF reported that over 1,500 child soldiers were recruited during 2016 and called for their immediate release. The actual number of child soldiers is likely to be much higher, as most families do not report their

recruitment for fear of reprisals. The use of children in armed conflict is a war crime.

During 2014, amidst a UN-facilitated political transition process, the Houthis, an armed Shia movement from northeast Yemen, and military units loyal to former President Ali Abdullah Saleh, took control of the governorates of Sa'ada, Hodeida, Dhamar, Amran and Sana'a. On 26 March 2015 Saudi Arabia and a coalition of nine other countries responded to a government request for regional military intervention. Growing violence forced President Abed Rabbo Mansour Hadi to seek temporary refuge in Riyadh. Despite military setbacks, Houthis and pro-Saleh forces still control much of western Yemen.

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 both sides. Additionally, according to OHCHR the conflict has increased religious persecution of the country's Bahá'í population. A sharp increase in arbitrary arrests of Bahá'ís has led many families to flee their homes in Houthi-controlled Sana'a.

OHCHR has reported that both sides have committed violations of IHL and violations and abuses of IHRL. On 19 December Saudi Arabia confirmed that it had used illegal cluster munitions in Yemen. On 20 April Human Rights Watch reported that Houthi-Saleh forces have used banned anti-personnel mines, hindering the return of displaced civilians.

The UN and Gulf Cooperation Council (GCC) have made numerous attempts to broker peace between parties to the conflict, but talks have been suspended since 6 August 2016. During May the UN Special Envoy to Yemen, Ismail Ould Cheikh Ahmed, visited Saudi Arabia, Qatar and Yemen. During his visit to Yemen his convoy was attacked while traveling to the UN compound in Sana'a. On 5 June Houthi leaders announced their rejection of the Special Envoy as a peace negotiator and Houthi officials have refused to meet with him.

Other armed groups have taken advantage of the conflict to perpetrate violence against civilians. Since March 2015 ISIL has claimed responsibility for a series of attacks on Shia mosques and has detonated car bombs in Sana'a and Aden. Al-Qaeda in the Arabian Peninsula (AQAP) also gained influence during 2015, but has since retreated from several cities it temporarily controlled.

ANALYSIS

Various parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. Failure to abide by temporary ceasefires and attempts by the Houthis to subvert the political transition are in violation of various UNSC resolutions. The ongoing conflict has resulted in a humanitarian

catastrophe, now the largest in the world, in which at least 7 million people are at risk of famine.

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 remains the main force backing the regional military coalition, Iran has allegedly provided military assistance to the Houthis. Former Yemeni President Saleh has publicly called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have resulted in public pressure for the United States and United Kingdom to cease selling arms to Saudi Arabia.

Fighting between Houthi rebels and pro-government forces also threatens to further fracture Yemeni society along tribal and sectarian lines. Terrorist groups, such as AQAP and ISIL, are trying to exploit tensions between Shia and Sunni populations to increase their influence.

The Yemeni government is unable to uphold its Responsibility to Protect and requires ongoing international support to negotiate an end to the conflict.

INTERNATIONAL RESPONSE

In 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 seized during the conflict. On 23 February 2017 the UNSC renewed sanctions for an additional year and extended the mandate of the Panel of Experts on Yemen.

On 30 September 2016 the UN Human Rights Council adopted a resolution calling upon all parties to respect their obligations under international law, but failed to get the support necessary to approve an independent international commission of inquiry.

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 visit to Saudi Arabia during May, the United States announced a potential arms deal worth almost \$110 billion, including ending the moratorium on selling precision-guided munitions.

On 25 April the UN, Sweden and Switzerland hosted a high-level pledging conference for the humanitarian crisis in Yemen. Donors pledged \$1.1 billion of the \$2.1 billion requested by OCHA.

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 (UNVIM). The statement also called for a durable cessation of hostilities.

NECESSARY ACTION

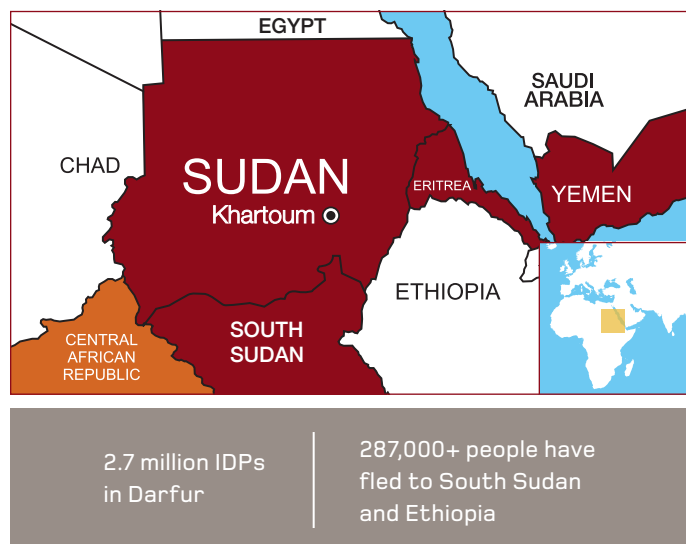
The distinction between military and civilian targets is central to IHL and must be adhered to at all times. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including cluster munitions and land mines. UN member states should also immediately halt the sale of weapons to parties to the conflict who have been implicated in atrocities. All parties must uphold their responsibility to protect vulnerable populations regardless of their tribal, religious or political affiliations.

All parties to the conflict must ensure the full and effective functioning of the humanitarian lifeline of Hodeidah Port, based on the recommendations of the UNSC Panel of Experts. The four cranes available to facilitate the delivery and processing of imports at Hodeidah should be installed immediately and UNVIM should be strengthened. Parties to the conflict should also facilitate the re-opening of Sana'a airport.

The dire humanitarian situation in Yemen is a direct result of the 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 UN Human Rights Council should establish an international commission of inquiry to investigate potential mass atrocities committed in Yemen since March 2015.

MORE INFORMATION

- » [UNSC Press Statement, SC/12512](#), 8 September 2016
- » [HRC Resolution, A/HRC/33/16](#), 30 September 2016
- » [UNSC Presidential Statement, S/PRST/2017/7](#), 15 June 2017
- » [GCR2P Populations at Risk: Yemen](#)



SUDAN

Populations in South Kordofan, Blue Nile and Darfur continue to face mass atrocity crimes perpetrated by the Sudanese Armed Forces, affiliated militias and armed rebel groups.

BACKGROUND

For six years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in 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 more than 247,000 people have fled to South Sudan and 40,000 to Ethiopia. The government of Sudan prohibits access to South Kordofan and Blue Nile and continues to systematically obstruct aid from reaching vulnerable civilians.

The SAF has committed war crimes, including extrajudicial killings, forced displacement and widespread sexual violence, against civilians in South Kordofan and Blue Nile. It has also engaged in "scorched earth" tactics, systematically targeting food sources and deliberately destroying civilian infrastructure, including health facilities. Amnesty International has also reported evidence that the SAF perpetrated at least 30 suspected chemical weapons attacks against civilians in Darfur between January and September 2016. Conflict Armament Research reported during April that the government may have also violated the UN arms embargo by buying weapons from Iran. The SPLM-N has also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

During 2016 the African Union (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. During January and February 2017 the government indicated its willingness to

sign a comprehensive ceasefire. However, the SAF and SPLM-N have since accused each other of perpetrating new attacks in South Kordofan. On 2 July President Omar al-Bashir extended a unilateral ceasefire for Darfur, Blue Nile and South Kordofan until 31 October 2017.

Civilians in Darfur continue to face inter-communal violence, as well as attacks by the SAF and Rapid Support Forces (RSF), a pro-government militia with aerial and ground support from the SAF. The RSF was accused of carrying out a scorched-earth campaign against non-Arab groups in Darfur. Heavy clashes in Jebel Marra, North Darfur, between the government and the Sudan Liberation Army-Abdul Wahid led to the displacement of over 140,000 civilians during 2016. As of December, a total of 2.7 million people were displaced in Darfur. On 3 May 2017 the Sudan Liberation Army-Minni Minnawi (SLA-MM) and the Justice and Equality Movement (JEM) extended their unilateral ceasefire for an additional six months.

During May the AU and UN reported that the overall security situation in parts of Darfur remains precarious due to activities of militia groups and the proliferation of arms. On 18 May the chairman of the AU Peace and Security Council said that small clashes between government forces and rebel groups continue and security challenges in Jebel Marra prevent the return of IDPs. Renewed fighting erupted at the end of May in Eastern and Northern Darfur between the Sudanese army, with support from the RSF, and the SLA-MM and the Sudan Liberation Movement-Transitional Council.

The government has systematically obstructed 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 been killed.

ANALYSIS

The government has a history of perpetrating atrocities in Darfur and during its 1983-2005 civil war with the south. It has consistently defied external pressure to halt mass atrocity crimes. Such crimes are currently being committed in South Kordofan and Blue Nile, where patterns of violence targeting civilians for their perceived support of the SPLM-N have been witnessed for almost six years.

The UNSC and AU have failed to ensure that the government and SPLM-N honor past agreements on the cessation of hostilities and delivery of humanitarian assistance. Indiscriminate attacks on civilian areas by the SAF and SPLM-N demonstrate an unwillingness to distinguish between combatants and civilians, actions that may amount to war crimes and crimes against humanity.

Since its deployment in Darfur in 2008, UNAMID has been unable to provide adequate protection to civilians and has been obstructed by the government. Ongoing inter-communal violence and SAF operations contribute to the risk of further mass atrocity crimes. The alleged use of chemical weapons

and attacks on UN peacekeepers constitute possible war crimes, while restrictions on UNAMID's freedom of movement contravene the Status of Forces Agreement between the UN, AU and Sudan. While fighting in some parts of Darfur has decreased in recent years, several areas, especially Jebel Marra, still require a robust peacekeeping presence.

Not only is the government of Sudan manifestly failing to uphold its Responsibility to Protect, it is directly responsible for perpetrating mass atrocity crimes 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. The response of the international community to mass atrocities in South Kordofan and Blue Nile has been grossly inadequate.

Following a UNSC referral, in June 2005 the ICC opened an investigation into 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 also issued arrest 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.

During 2005 the UNSC established a Sanctions Committee for Sudan pursuant to Resolution 1591. On 8 February the UNSC extended the mandate of the Panel of Experts responsible for monitoring the implementation of sanctions, recalling that the government "bears the primary responsibility for protecting all populations within its territory."

On 29 June the UNSC adopted Resolution 2363, which extended UNAMID's mandate until 30 June 2018. The resolution emphasized that those responsible for violations of IHL and violations and abuses of human rights must be held accountable and that the government of Sudan "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 Council mandated a reduction of the military component of UNAMID by 44 percent and the police component by 30 percent over the next twelve months.

NECESSARY ACTION

After 13 years and 57 resolutions it is time for the UNSC and other UN member states to review their entire approach to endemic conflict and ongoing atrocities in Sudan. The UNSC should immediately expand the arms embargo on Darfur to include South Kordofan and Blue Nile. Following the reconfiguration of UNAMID, the UNSC should closely monitor the precarious security situation in Darfur.

The government, SPLM-N and other parties must abide by the AUHIP Roadmap and cease all 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, as stipulated in the Roadmap, 2011 Framework Agreement and 2012 cooperation agreements. The UNSC should mandate the establishment of an independent international commission of inquiry for South Kordofan and Blue Nile and actively support efforts to bring ICC indictees to justice.

States with major investments in Sudan, including China, Qatar, Iran and Saudi Arabia, should press the government to fulfill its commitments.

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](#)
- » [UNSC Resolution, S/RES/2340](#), 8 February 2017
- » [UNSC Resolution, S/RES/2363](#), 29 June 2017
- » [GCR2P Populations at Risk: Sudan](#)



120,000 ethnic Rohingya are internally displaced and at least 420,000 have become refugees

MYANMAR (BURMA)

Stateless Rohingya in Myanmar (Burma) continue to face systematic persecution that poses an existential threat to their community. Recent counter-insurgency operations and ongoing human rights violations may amount to crimes against humanity and ethnic cleansing.

BACKGROUND

Following a series of attacks on border guard posts by armed militants on 9 October 2016, the Myanmar authorities launched a joint army-police counter-insurgency operation in northern Rakhine state. During the four-month operation there were reports of mass arrests, torture, enforced disappearance, rape and other forms of sexual violence, forcible removal, extrajudicial killings, as well as widespread destruction of Rohingya homes

and mosques. Humanitarian access to northern Rakhine state was severely restricted during the operation.

On 3 February OHCHR released a report detailing “widespread and systematic” attacks against the Rohingya, which may amount to crimes against humanity. Following their own investigation, on 23 May the Myanmar army rejected the conclusions of the OHCHR report, calling some findings “false and fabricated.” The internal investigation by the Myanmar army has been dismissed by international observers for lacking impartiality and credibility.

On 24 March the UN Human Rights Council adopted a resolution mandating “an independent international fact-finding mission” into allegations of human rights violations and abuses by the security forces in Myanmar, particularly in Rakhine state. The government disassociated itself from the resolution and State Counsellor Aung San Suu Kyi has stated that Myanmar “will not accept” the mission. On 29 June the Foreign Ministry confirmed that it denied entry visas to members of the fact-finding mission.

According to OCHA there are currently an estimated 120,000 Rohingya IDPs in Rakhine state. On 25 April UNHCR criticized the government’s plan to relocate those whose homes have been destroyed to 13 “model villages,” instead of allowing them to voluntarily return to their communities. On 2 July the Rakhine state government also announced the closure of three IDP camps in Kyaukphyu, Pauktaw and Ramree townships. Tropical Cyclone Mora, which swept through parts of Bangladesh and Myanmar on 30 May, also damaged or destroyed thousands of shelters accommodating Rohingya IDPs and refugees.

The Rohingya, a distinct Muslim ethnic minority group, have been systematically marginalized by discriminatory laws in Myanmar. During March 2015 the former government invalidated the identification cards held by many Rohingyas, forcing them to apply for citizenship as “Bengalis,” implying their illegal migration from Bangladesh. This follows the government denying Rohingyas the ability to self-identify on the national census of March 2014, the first since 1983.

Rohingyas were also largely disenfranchised in advance of Myanmar’s historic November 2015 elections and continue to be denied citizenship and other fundamental human rights. Former President Thein Sein signed into law the last of four so-called “Protection of Race and Religion” bills in August 2015. These discriminatory laws place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights.

The cumulative impact of deteriorating living conditions in Rakhine state, combined with ongoing persecution, has led tens of thousands of Rohingyas to flee to neighboring countries, where they are often subject to further abuse, human trafficking and refoulement. According to UNHCR, there are over 420,000 Rohingya refugees in the region, with 168,500 having fled Myanmar since 2012.

In addition to threats directed at the Rohingya, on 15 June the Special Rapporteur on the Situation of Human Rights in Myanmar, Yanghee Lee, briefed the UN Human Rights Council, expressing concern regarding “incitement of inter-communal tension and religious violence” in the country, particularly threats directed at the Muslim minority.

Despite the previous government signing ceasefire agreements with several ethnic armed groups, ongoing fighting in Kachin and Shan states has displaced an estimated 98,000 people according to OCHA. On 14 June Amnesty International issued a report detailing serious human rights abuses and violations of IHL, which may amount to war crimes, in Kachin and northern Shan states.

The second round of the 21st-Century Panglong Conference between the government, armed forces and ethnic armed groups took place from 24–29 May in Nay Pyi Taw. Participants were able to reach agreement on 37 principles that are expected to form part of a future peace accord. The principles include a provision for the state to become a federal democracy.

ANALYSIS

The previous government’s refusal to end discriminatory state policies regarding the Rohingya encouraged violations of their fundamental human rights and reinforced the dangerous perception of them as ethnic outsiders. The Protection of Race and Religion bills were intended to eradicate the Rohingya’s legal right to exist as a distinct ethnic group in Myanmar.

The National League for Democracy (NLD) government has yet to take significant steps towards repealing discriminatory laws and ending anti-Rohingya policies. Moreover, the authorities continue to disregard credible allegations regarding atrocities committed against the Rohingya, leaving populations in Rakhine state at risk of further crimes. The rejection of the UN fact-finding mission is a further setback regarding accountability for systematic violations and abuses of human rights.

More than a year after the NLD formed the country’s first civilian government in half a century, democracy in Myanmar still faces many challenges. Constitutionally the government does not control the security forces, which pose a threat to vulnerable civilians and have not been held accountable for previous mass atrocity crimes. The government has also failed to adequately address hate speech and incitement to violence directed against Muslim populations by Buddhist chauvinist groups.

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

Following decades of military dictatorship, democratic reforms have contributed to rapprochement between Myanmar and the international community, including the lifting of sanctions.

Citing progress on human rights by the NLD government, the EU announced last year that it would not be submitting a UN General Assembly resolution on Myanmar for the first time since 1991, resulting in the closure of the office of the Special Adviser of the UN Secretary-General on Myanmar.

On 6 February the UN Special Adviser on the Prevention of Genocide, Adama Dieng, stated that alleged crimes detailed in the OHCHR report “could amount to crimes against humanity” and “be a precursor of other egregious international crimes.”

On 15 May the European Commissioner for Humanitarian Aid and Crisis Management, Christos Stylianides, announced a new aid package for Myanmar worth 12 million euros, with over 9 million euros for direct humanitarian assistance to conflict-afflicted areas, including Rakhine, Shan and Kachin states.

On 30 May the President of the Human Rights Council announced the appointment of three members of the fact-finding mission.

On 4-11 July the UN High Commissioner for Refugees, Filippo Grandi, visited Myanmar, Thailand and Bangladesh. During a meeting with Aung San Suu Kyi, the High Commissioner highlighted the need to address displacement and statelessness in Rakhine state.

NECESSARY ACTION

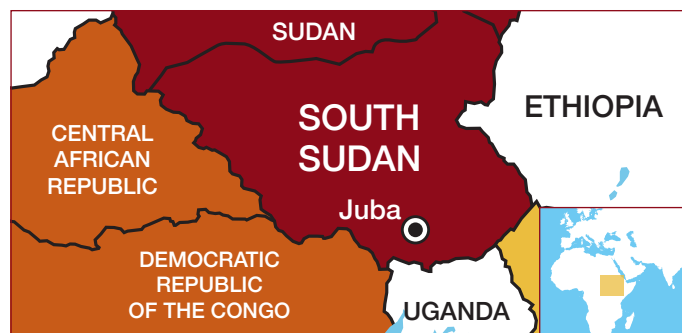
States with significant political and economic ties to Myanmar should call upon the government to accept the Human Rights Council-mandated fact-finding mission and allow for the establishment of an OHCHR office in the country. The government should also permit humanitarian and human rights organizations unhindered access to populations in Rakhine, Kachin and Shan states.

The Myanmar authorities should allow IDPs the option of returning to their places of origin and not be forced to remain in displacement camps or relocate to so-called “model villages.” Countries that receive Rohingya asylum seekers should offer them protection and assistance.

The government must repeal or amend all laws and regulations that systematically discriminate against Rohingya and other minorities in Myanmar, including the four Protection of Race and Religion laws and the 1982 Citizenship Law. The government should take immediate action to halt hate speech against the Rohingya and other minorities and take proximate steps to build a more inclusive society.

MORE INFORMATION

- » [Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016](#), 3 February 2017
- » [HRC Resolution, A/HRC/34/L.8/Rev.1](#), 24 March 2017
- » [Statement by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 35th session of the HRC](#), 15 June 2017
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)



385,000+ people have
fled South Sudan since
January

1.97 million IDPs

SOUTH SUDAN

Despite the August 2015 peace agreement, ongoing armed conflict in South Sudan poses a direct threat to populations who are being targeted on the basis of ethnicity and presumed political loyalties.

BACKGROUND

Fighting between the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO), as well as other rebel militias, has been escalating in various parts of South Sudan since the beginning of 2017. The SPLA reinforced its positions in Upper Nile and Jonglei states ahead of the rainy season. The SPLA has also attempted to eliminate armed opposition groups in Unity State, Western Bahr el-Ghazal and Central and Eastern Equatoria. Civilians were sometimes deliberately targeted or caught in the middle of this fighting, resulting in massive displacement and grave human rights violations.

Tensions between various ethnic groups have also increased as a result of border disputes and cattle raids, resulting in sporadic clashes and deaths throughout the country. Inter-communal violence and insecurity during May forced thousands of civilians to flee the town of Terekeka, Central Equatoria.

According to the UN, civilians who have fled recent fighting between the SPLA and rebel groups reported “killing of civilians, destruction of homes, sexual violence, and looting of livestock and property.” During February a confidential UN report warned that the fighting had already reached “catastrophic proportions.” Parts of South Sudan have recently experienced famine, which the UN Humanitarian Coordinator for South Sudan called a “man made” situation caused by the government. During April UN experts and humanitarian organizations also accused the government of intentionally denying aid to civilians in rebel-held areas.

Of the 919,200 South Sudanese refugees currently in Uganda, about 248,000 have arrived since January 2017. At least 137,000 South Sudanese refugees have also crossed into Sudan since the beginning of 2017. Since the beginning of the conflict in

December 2013, more than 3.8 million South Sudanese have been forced to flee their homes, including 1.97 million IDPs.

In addition to the latest fighting, there are constant rumors of internecine power struggles within the government of South Sudan. On 9 May President Salva Kiir fired controversial army chief Paul Malong. On 13 May seven opposition groups, including the SPLA-IO, agreed to combine their efforts to oust the government. On 22 May President Kiir launched a National Dialogue. During June the Steering Committee invited the former Vice President and exiled former head of the SPLA-IO, Riek Machar, to participate. In a written response on 24 June, Machar recognized the importance of the National Dialogue, but has declined to attend.

Nearly a year after President Kiir and Machar agreed to end the country's 2013-2015 civil war by signing the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" (ARCSS), intense fighting broke out in Juba between elements of the SPLA and SPLA-IO. Heavy combat, including tanks and helicopter gunships, took place from 7-11 July 2016. Following another ceasefire, Machar fled Juba. Hundreds of people, including civilians and two UN peacekeepers, were killed during the July fighting and 42,000 people were displaced. Some civilians were subjected to targeted killings on the basis of ethnicity. OHCHR and the UN Mission in South Sudan (UNMISS) reported that widespread sexual violence, possibly amounting to war crimes and crimes against humanity, also took place.

On 5 August the Intergovernmental Authority on Development (IGAD) proposed the deployment of a Regional Protection Force (RPF) to support UNMISS. On 12 August the UNSC adopted Resolution 2304, authorizing the deployment of the 4,000-strong RPF. After multiple delays imposed by the government, the first RPF troops arrived in Juba at the end of April, with additional forces expected during August.

The ARCSS called for a permanent ceasefire, as well as the establishment of an independent Hybrid Court for South Sudan (HCSS) to investigate atrocities committed during the conflict. Between 2013-2015 at least 50,000 people were killed as parties to the civil war engaged in 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 HCSS. On 19 June a Technical Committee finally initiated a process to establish the Truth, Reconciliation and Healing Commission, in accordance with the ARCSS.

ANALYSIS

Political instability and sustained violence have been pervasive in South Sudan for the majority of its six years of independence. The resumption of widespread fighting leaves civilians at risk of further mass atrocity crimes. UNHCR has expressed concern that displaced civilians in Upper Nile are at imminent risk of gross human rights violations, inter-ethnic violence and further displacement. The rainy season is having an additional adverse

affect on the humanitarian situation in South Sudan, leaving 60 percent of the country inaccessible.

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

The UN Panel of Experts has reported that deliberate policies by both sides of the conflict have "exacerbated the political, tribal and ethnic drivers of the war." Since December 2016, former UN Secretary-General Ban Ki-moon, the UN Special Adviser on the Prevention of Genocide, and the UN Commission on Human Rights in South Sudan have all acknowledged that conditions exist that could lead to the commission of mass atrocity crimes. Despite providing ample early warning to the UNSC regarding these risks, little action has been taken to protect vulnerable populations and hold perpetrators of past atrocities accountable.

Despite the declaration of famine conditions in parts of South Sudan, the government continues to obstruct UNMISS and humanitarian organizations while spending a large part of its national budget on arms. With ongoing resource deficits and a hostile operating environment, UNMISS is still struggling to protect vulnerable populations. South Sudan is also the deadliest country in the world for humanitarian workers, with more than 80 killed since December 2013.

Not only is the government of South Sudan manifestly failing to uphold its Responsibility to Protect and ensure accountability for past atrocities, it is responsible for ongoing attacks on civilian populations.

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 sanctions.

On 15 December the UNSC adopted a resolution extending UNMISS' mandate for an additional year. The resolution also authorized UNMISS 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 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 20 March the UN Human Rights Council adopted a resolution extending the Commission on Human Rights' mandate 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 recalled "that the Government

of South Sudan has the primary responsibility to protect all populations in the country.”

On 23 March the UNSC issued a Presidential Statement, calling upon parties to adhere to the permanent ceasefire, enhance humanitarian access, and remove obstacles to UNMISS carrying out its mandate. During a briefing on 25 April the UNSC concluded that none of the benchmarks have been met, but no action was taken.

On 12 June the IGAD Assembly of Heads of State and Government decided to urgently convene a High-Level Revitalization Forum of the parties to the ARCSS, to discuss ways to facilitate its implementation.

NECESSARY ACTION

The government must fully implement all provisions of the August 2015 peace agreement and UNSC Resolution 2304. The government, SPLA, SPLA-IO and affiliated militias must ensure that UNMISS is able to move freely and without threats to their personnel. The inviolability of UN compounds must be respected. UNMISS must be enabled to fully implement its

mandate, especially regarding providing adequate protection to vulnerable civilians.

The UNSC and IGAD should immediately impose an arms embargo on South Sudan and expand targeted sanctions against senior military commanders deemed to be exacerbating or profiting from the ongoing conflict.

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

MORE INFORMATION:

- » [UNMISS Website](#)
- » [UNSC Resolution, S/RES/2327](#), 15 December 2016
- » [UNMISS and OHCHR report on violations and abuses of international human rights law and violations of international humanitarian law in the context of the fighting in Juba, South Sudan, in July 2016](#), January 2017
- » [HRC Resolution, A/HRC/34/L.34](#), 20 March 2017
- » [GCR2P Populations at Risk: South Sudan](#)

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.



3.7 million IDPs

80+ mass graves discovered in Kasai region

DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the eastern and Kasai regions of the Democratic Republic of the Congo remain at imminent risk of possible mass atrocity crimes as a result of ongoing violence between security forces and various militias.

BACKGROUND

Violence resulting from tensions between the government in the Democratic Republic of the Congo (DRC) and a local militia following the killing of their chief, Kamuina Nsapu, has resulted in atrocities perpetrated against populations in Kasai, Kasai Central and Kasai Oriental provinces since August 2016. According to the Catholic Church in the DRC, over 3,000 people have been killed. The UN Joint Human Rights Office in the DRC (UNJHRO) has found at least 80 mass graves in the Kasai region since January, many of which have been attributed to the government's armed forces (FARDC). On 2 June the UN's stabilization mission in the DRC (MONUSCO) reported at least 639 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.

OHCHR has noted that the Kamuina Nsapu militia has perpetrated atrocities against civilians and that the FARDC has used disproportionate force in its response. According to OCHA, of the 3.7 million IDPs in the DRC, over 1.3 million are in the Kasai region. OCHA has reported that inter-ethnic tensions are becoming a dominant characteristic of the Kasai conflict. UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein has also reported that Bana Mura, an allegedly pro-government

militia, has targeted populations based upon ethnicity, mutilated women and children, and destroyed villages that allegedly support Kamuina Nsapu.

Other armed groups continue to utilize ongoing instability and the weakness of state authority in eastern DRC to attack security forces and perpetrate crimes against civilians. Such groups – including the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces (ADF) and various Mayi-Mayi militias – have been operating in the DRC for more than 20 years. Despite offensives conducted by the FARDC with assistance from MONUSCO and its force intervention brigade, attacks by militias, as well as inter-communal violence, continue to threaten vulnerable populations in North Kivu, South Kivu, Tanganyika and Katanga. The FARDC and MONUSCO reported an increase in attacks by Mayi-Mayi militias in the Kivus during June.

The risk of political violence as a result of the postponed 2016 elections also remains high. Security forces have been accused of using excessive force during demonstrations on 19 September and 20 December – the day after President Joseph Kabila's constitutional mandate ended. UNJHRO recorded 48 civilians killed during the September demonstrations and more than 40 people killed during December.

As a result of a failure to hold elections during 2016, on 1 September a national dialogue was launched to ensure a peaceful political process. Additional mediation between the government and opposition took place under the aegis of the Conference Episcopale du Congo (CENCO). On 31 December the CENCO negotiations resulted in an agreement calling for elections to be held during 2017 and for President Kabila to abstain from seeking a third term. Negotiations on implementation met several complications, resulting in CENCO withdrawing from the process.

ANALYSIS

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. Rising tensions in areas that have been relatively calm in recent years, including Kasai, is indicative of the enduring challenge of preventing the emergence of armed groups opposed to the rule of the central government.

The government has often failed to hold members of the FARDC accountable for systematic human rights violations. 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.

Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk

of deadly violence. The government must take meaningful steps towards ensuring a timely and peaceful transition of power in the DRC, including implementation of the CENCO agreement.

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. The DRC needs ongoing international support to prevent recurring violence.

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 mounting security challenges.

On 11 February MONUSCO condemned atrocities perpetrated by Kamuina Nsapu and the FARDC's disproportionate use of force, pledging to deploy a mobile monitoring response team to the area to “possibly prevent, investigate, and document human rights violations.”

On 20 February High Commissioner Zeid condemned the “blunt military response” that does not tackle the root causes of conflict but “instead targets civilians on the basis of their presumed links to militias.” On 19 April the High Commissioner called for an immediate, impartial international investigation following the discovery of additional mass graves by UNJHRO. During May the High Commissioner gave the government an 8 June deadline to establish a credible investigation, which it failed to meet.

On 4 May the UNSC issued a Press Statement calling upon parties to the 31 December CENCO agreement to remain committed to its implementation, including the objective of holding elections before the end of 2017. The UNSC also condemned the violence in the Kasai region, urging the government, MONUSCO and AU to investigate possible war crimes.

On 31 May the EU imposed sanctions on nine individuals with “command and control” responsibility for security forces involved in deadly violence against protestors. The following day the United States issued sanctions against 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 23 June the UN Human Rights Council passed a resolution mandating the High Commissioner appoint a team of international experts to collect and preserve evidence to determine responsibility for possible atrocities perpetrated in the Kasai region.

NECESSARY ACTION

The DRC government and MONUSCO must 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.

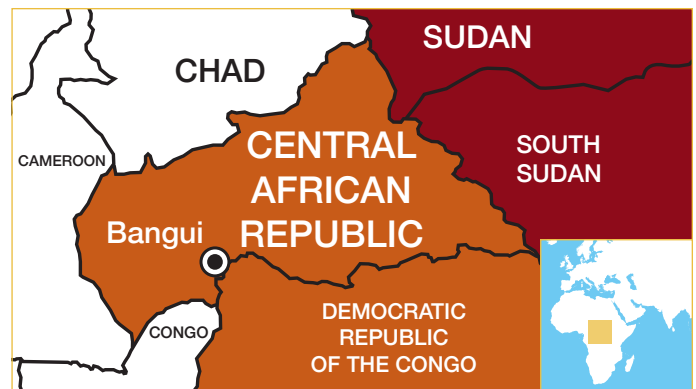
The government must urgently address allegations of the security forces using disproportionate and deadly force against protestors and ensure accountability for the unlawful killing of civilians. The FARDC must not permit individuals who have previously committed atrocities to join its forces and should train all recruits in the protection of civilians, respect for human rights and IHL.

It is essential that the Human Rights Council-mandated experts be appointed and dispatched to the DRC immediately. The government must fully cooperate with the international team, providing access to all relevant sites and also establishing a credible domestic investigative mechanism. If the government fails to fulfill its promises in this regard, the ICC and UNSC should be prepared to act to ensure accountability.

In keeping with the CENCO agreement, the government and opposition must recommit to an agreed election timetable and a peaceful transition of power.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution, S/RES/2348](#), 31 March 2017
- » [UNSC Press Statement, SC/12809](#), 4 May 2017
- » [GCR2P Populations at Risk: DRC](#)



500,000 IDPs

2.2 million people in
need of humanitarian
assistance

480,000
refugees

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 the Central African Republic (CAR) continue to face an imminent risk of mass atrocity crimes. Escalating violence during May in areas previously unaffected by large-scale fighting resulted in hundreds of people killed and tens of thousands displaced. On 19 June the government signed a peace agreement in Rome with 13 of the 14 major armed groups, but clashes between various armed groups erupted soon after in Zemio, Bria and Kaga Bandoro.

Recent violence, concentrated in the prefectures of Mbomou, Basse-Kotto and Haute-Kotto, was largely driven by three armed groups: the anti-balaka, based amongst the Christian population, and two former members of the mostly Muslim Séléka rebel alliance, the Union pour la Paix en Centrafrique (UPC) and the Front Populaire pour la Renaissance de la Centrafrique (FPRC).

In Basse-Kotto prefecture clashes between the anti-balaka and the UPC in the town of Alindao from 7-9 May resulted in at least 133 people killed. In Bria, the capital of Haute-Kotto, the FPRC and anti-balaka clashed from 15-18 May and on 20 June and carried out attacks against civilians. The violence resulted in the death of dozens of civilians, the burning of over 300 homes, and the majority of the town's 47,500 residents being displaced.

From 12-14 May the anti-balaka carried out an attack on a Muslim neighborhood in Bangassou, the capital of Mbomou prefecture, during which at least 115 people were killed and close to 19,000 displaced, including 13,000 children. Six peacekeepers from the UN mission in CAR (MINUSCA) were also killed near Bangassou during the week of 8 May and humanitarian workers have also been attacked.

Tensions also remain high around Bambari, the capital of Ouaka prefecture, where during 2017 the FPRC and UPC engaged in sustained fighting. MINUSCA has since negotiated the withdrawal of the UPC from the town.

The Secretary-General's June 2017 report on CAR condemned violence by the FPRC, who have systematically targeted ethnic Fulani and seized their cattle. Armed Fulani self-defense groups have allegedly perpetrated violent reprisals, sometimes in collaboration with the UPC.

The current crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the Séléka rebel alliance. Abuses by the Séléka led to the formation of anti-balaka militias. A human rights mapping report published by MINUSCA and OHCHR during May 2017 found that both sides of the conflict may have committed war crimes and crimes against humanity between 2013-2015. Over 500,000 people remain internally displaced and over 480,000 have fled CAR.

ANALYSIS

Governmental control remains limited in most areas outside Bangui, allowing rival armed groups to expand into areas previously unaffected by major fighting. In addition to the anti-balaka, UPC and FPRC, at least 11 other armed groups operate throughout CAR with shifting alliances and loose command-and-control structures. These groups compete for territory, power and resources, including several mining sites.

Attacks by the FPRC and anti-balaka against Fulani communities demonstrate the ongoing threat of civilians being targeted because of their religious or ethnic identity.

MINUSCA, which in many parts of the country is the only force capable of maintaining security, continues to face critical capacity gaps that impede its ability to uphold its mandate to protect civilians.

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

INTERNATIONAL RESPONSE

The UNSC has passed nine 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.

On 4 April 2017 the UNSC issued a Presidential Statement condemning violence by armed groups – especially the FPRC and UPC – urging them to commit to the disarmament and demobilization process. The statement also emphasized the importance of holding perpetrators accountable, calling for the swift operationalization of the Special Criminal Court, which was approved by the government in June 2015.

On 16 May the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed alarm over expanding attacks by armed groups against the civilian population of CAR.

On 23 May 2017 the Prosecutor of the ICC issued a statement regarding the “serious crimes committed against civilians, peacekeepers and humanitarian workers” in CAR, noting that such crimes may fall under the jurisdiction of the ICC.

NECESSARY ACTION

The UNSC must ensure that the arms embargo is respected. MINUSCA must deploy in adequate numbers to all areas where civilians lack sufficient protection and improve its capacity to anticipate and respond to emerging security threats.

Notwithstanding its numerous reconstruction, reconciliation and security challenges, the government should prioritize accountability for mass atrocity crimes, including through cooperation with the ICC. Long-term financial and logistical resources are needed to operationalize the Special Criminal Court.

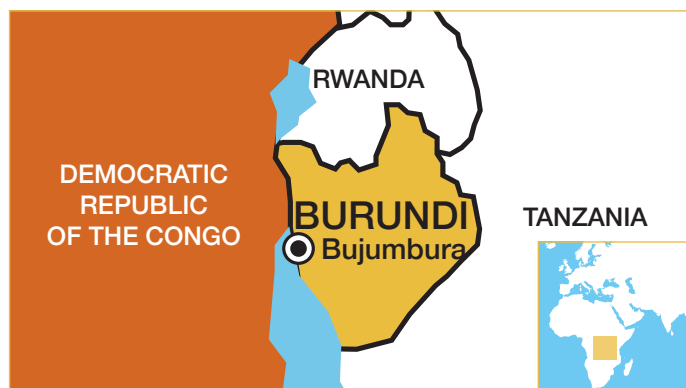
The international community should continue to assist the government to uphold its Responsibility to Protect, including through supporting structural reforms of the justice and security sectors.

MORE INFORMATION

- » [MINUSCA Website](#)
- » [UNSC Presidential Statement, S/PRST/2017/5](#), 4 April 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.



416,000 refugees and 169,000
IDPs since April 2015

BURUNDI

Populations in Burundi face a risk of potential mass atrocity crimes as ongoing human rights violations and abuses continue to destabilize the country.

BACKGROUND

Ongoing violations and abuses of human rights in Burundi leave populations at risk of mass atrocity crimes. The UN Secretary-General's February 2017 report on Burundi notes that frequent killings, enforced disappearances, gender-based violence, arbitrary arrests and torture continue. Many of these crimes have been directed at the political opposition and their perceived supporters, as well as members of the armed forces. 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 militia of the ruling party, Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD-FDD).

Since April 2015 at least 1,000 people have been killed in politically-inspired violence and close to 416,000 have fled Burundi. Members of the Burundian army and police, and the CNDD-FDD, have also been assassinated in suspected reprisal killings. The East African Community (EAC) has attempted to mediate the conflict but talks have stalled. During 2016 the government also undertook steps to isolate itself from the international community, including by rejecting a UNSC-mandated police force and initiating its withdrawal from the ICC.

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. During May 2015 elements of the army undertook a failed coup attempt, which further increased government repression. President Nkurunziza was elected for a third term during July 2015.

President Nkurunziza has suggested he may run for a fourth term in 2020. On 12 May 2017 the National Commission for the Inter-Burundian Dialogue claimed in its final report that the majority of Burundians support ending presidential term limits and quotas for ethnic power sharing. Presidential term limits and ethnic quotas are enshrined in the constitution, which is based on the Arusha Peace Agreement. Following the release of the report, President Nkurunziza appointed a 15-member commission to propose draft amendments to the constitution.

ANALYSIS

Recurring political and ethnic conflict have previously resulted in mass atrocity crimes in Burundi.

Incitement to violence, enforced disappearances, torture and extrajudicial killings have contributed to a pervasive climate of fear and insecurity. Within this already unstable environment, the government's apparent desire to amend the constitution is of grave concern. The government's refusal to cooperate with the UNSC, Commission of Inquiry for Burundi, OHCHR and ICC is also a disturbing indication of its unwillingness to adhere to international law. The government must take urgent steps to reengage with the international community and uphold its Responsibility to Protect all Burundians regardless of political affiliation or ethnic identity.

INTERNATIONAL RESPONSE

On 25 April 2016 the ICC announced its preliminary examination into the situation in Burundi. On 18 October President Nkurunziza initiated Burundi's withdrawal from the Rome Statute.

On 29 July 2016 the UNSC passed Resolution 2303, authorizing up to 228 UN police to monitor the security and human rights situation. In a press statement on 13 March 2017, the UNSC expressed concern about the government's lack of cooperation regarding the resolution. The UNSC remains divided over a course of action.

On 30 September 2016 the UN Human Rights Council passed Resolution 33/24, creating a Commission of Inquiry to investigate human rights violations and abuses in Burundi since April 2015. The government has refused to cooperate with the Commission. On 18 April 2017 the UN High Commissioner for Human Rights expressed deep alarm over the Imbonerakure's incitement to violence, especially rape, stating that these actions "ring very loud alarm bells."

NECESSARY ACTION

Immediate steps must be taken by the government and opposition to avoid further militarization and ethnicization of the current political conflict. The Imbonerakure should be disarmed and disbanded. Allegations of human rights violations and abuses must be 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 Commission of Inquiry. The government should also reconsider its withdrawal from the ICC.

The AU should impose targeted sanctions as decided by its Peace and Security Council on 17 October 2015, and work with the Burundi government to ensure the full deployment of AU human rights observers and military experts. In light of the government's refusal to implement Resolution 2303, the UNSC should impose targeted sanctions against all persons or entities who threaten the peace and security of Burundi.

MORE INFORMATION

- » [UNSC Resolution, S/RES/2303](#), 29 July 2016
- » [Final report of the mission of independent experts to Burundi, A/HRC/33/37](#), 30 September 2016
- » [HRC Resolution, A/HRC/RES/33/24](#), 30 September 2016
- » [GCR2P Populations at Risk: Burundi](#)



Almost 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. Ongoing fighting between extremist armed groups and the government for control of the city of Marawi also puts civilians at risk of atrocities on the island of Mindanao.

BACKGROUND

Since President Rodrigo Duterte took office during June 2016, almost 9,000 people have been extrajudicially killed in his

proclaimed "war on drugs." More than 2,555 people have been killed in police operations while the remainder of the killings has been attributed to unidentified gunmen who carry out vigilante-style executions of alleged drug offenders. President Duterte has publicly encouraged vigilantes to join his campaign and has extended his death threats to human rights defenders and lawyers representing those arrested for drug offenses. President Duterte has compared the "war on drugs" with the Holocaust and declared his willingness to "slaughter" the Philippines' 3 million suspected drug abusers.

The government has failed to hold perpetrators of extrajudicial killings accountable. During October a Philippines Senate Committee abandoned investigations into extrajudicial killings. On 1 February the Philippines Justice Secretary stated the killings could not be deemed "crimes against humanity" as drug offenders were not "part of humanity." On 24 February Senator Leila de Lima, a longtime critic of President Duterte's policies and former Chair of the Senate's Justice and Human Rights Committee, was arrested on charges of abetting the illegal drug trade. International observers have deemed the arrest an attempt by President Duterte to silence parliamentary opposition to his campaign of extrajudicial killings.

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. A Philippine Senator and Representative filed a supplemental communication on 6 June urging the ICC to conduct a preliminary examination.

On 23 May, after a failed attempt to capture the so-called "emir" of ISIL in Southeast Asia, Maute, an ISIL-aligned armed group, overtook portions of Marawi city on the southern island of Mindanao. Religiously-motivated violence has since been reported, including the execution of at least eight people believed to be Christians. According to OCHA, over 471,000 people have been displaced since President Duterte declared martial law in Mindanao. After several weeks of fighting, the Philippines' armed forces have retaken the majority of Marawi. However, an estimated 350 people remain trapped or held hostage by Maute fighters.

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. Filipinos are at growing risk of extrajudicial killings that may amount to crimes against humanity. By openly calling upon armed vigilantes to join the "war on drugs," President Duterte has actively promoted an atmosphere of impunity.

In Mindanao Christian Filipinos are at a heightened risk of being targeted by armed extremists of Maute. Civilians are also at risk of being caught in the fighting between Maute and the army.

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

INTERNATIONAL RESPONSE

On 8 March the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, called for an independent investigation into extrajudicial killings in the Philippines.

On 10 June the United States Embassy in Manila announced that United States Special Forces were providing the Philippines army with technical support in their fight to retake Marawi.

NECESSARY ACTION

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

The government should immediately remove unreasonable conditions imposed upon the UN Special Rapporteur on extrajudicial killings and allow her to visit in her official capacity.

Government forces should ensure that military operations to retake Marawi are consistent with IHRL and make every possible effort to protect civilians. President Duterte should end martial law as soon as possible upon assuming full control of Marawi.

The UN Human Rights Council should continue to closely monitor the situation in the Philippines. States with strong economic and political ties to the Philippines, especially the United States, must increase diplomacy aimed at ending extrajudicial killings. The Philippines government should hold all perpetrators of attacks on civilians accountable.

MORE INFORMATION

- » [Statement by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, on extrajudicial killings in the Philippines](#), 20 December 2016
- » [Populations at Risk: Philippines](#)



1,133 killed in 2007/2008
post-election violence

20+ counties identified
as potential hotspots for
violence in 2017 elections

KENYA

There are growing concerns regarding the potential for a recurrence of widespread violence in Kenya as the country prepares for the August 2017 general election.

BACKGROUND

On 8 August 2017 Kenyans will vote in the general election, including voting for the President. While the previous election in 2013 was relatively peaceful, increased ethnic and political tensions leave populations at risk of a potential recurrence of mass atrocity crimes.

As the general election approaches, the Independent Electoral and Boundaries Commission (IEBC) has identified 20 counties as potential hotspots for protests and riots, ethnic clashes, terrorist attacks, and land and resource based conflicts. The National Cohesion and Integration Commission (NCIC) has also noted that, “insensitive and sensational reporting” by some radio stations and social media is exacerbating tensions.

Jubilee’s candidate, the incumbent President Uhuru Kenyatta, is generally seen as representing the interests of the Kikuyu and Kalenjin communities while his main opponent, Raila Odinga of the National Super Alliance (NASA), has strong support amongst ethnic Luos and other smaller ethnic groups. Some politicians from major parties have been accused of deliberately heightening ethnic rivalries ahead of the August election.

The government has taken a number of steps to prevent potential violence during the election, including by mobilizing 150,000 police officers and establishing a multi-agency command center. Local governors and county commissioners have publicly condemned hate speech, while security officials in several counties have launched investigations into recent reports of leaflets inciting violence between ethnic groups.

In addition to concerns about political and inter-ethnic violence during the election, attacks by the extremist armed group al-

Shabaab have also increased along the Kenya-Somalia border and may discourage voter participation in some areas.

ANALYSIS

The post-election violence in 2007-2008 that left 1,133 Kenyans dead and over 663,000 displaced, led to state-wide structural reforms to avoid a recurrence of violence during future elections. While the 2013 elections were generally peaceful, the government has relied upon a Kikuyu-Kalenjin political alliance and has been unable to overcome the root causes of some inter-ethnic disputes. The government has also fundamentally failed to hold perpetrators of past mass atrocity crimes accountable.

Despite the government deploying additional police to potential hotspots, security forces sometimes still lack the capacity to actively deter and disrupt threats and mediate inter-communal tensions. The proliferation of arms in Kenya also increases the risk of violence. In 2016 Kenya's National Security Council warned that more than half a million illegal weapons were circulating in the country.

The government needs to take further steps to actively uphold its Responsibility to Protect all Kenyans during the election period.

INTERNATIONAL RESPONSE

On 23 January 2012 the ICC confirmed charges of crimes against humanity against current President Kenyatta and Deputy President William Ruto, who allegedly bore the greatest responsibility for instigating ethnic violence in the aftermath

of the 2007 election. However, on 5 December 2014 the ICC dropped these charges after the Kenyan government refused to cooperate and due to allegations of witness intimidation.

At the invitation of Kenya, the EU has deployed an Election Observation Mission (EU EOM) to monitor the 2017 general election. On 3 July the Chief Observer of the EU EOM warned of the rising threat of possible violence. On 5 July the AU announced the deployment of an Africa-led Election Observation Mission. UN Volunteers will also collaborate with a team of more than 200 peace and cohesion monitors across Kenya.

NECESSARY ACTION

The government should further enhance preventive efforts in advance of the election, including public messaging and the monitoring of hate speech. The government should address protection and intelligence gaps, including increased resourcing for the security forces in volatile areas, particularly in Nyanza, Rift Valley and Nairobi provinces.

The AU and UN need to continue to assist the Kenyan government in both proximate and long-term efforts aimed at strengthening the rule of law, building inter-communal dialogue, and ending the mobilization and manipulation of ethnic identity for political purposes.

MORE INFORMATION

» [GCR2P Populations at Risk: Kenya](#)



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**R2P Monitor is a bimonthly publication of
the Global Centre for the Responsibility
to Protect (GCR2P).**

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