

R2P MONITOR

15 MARCH 2017
ISSUE 32

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.

Syria {p. 2}

Iraq {p. 4}

Yemen {p. 5}

Sudan {p. 7}

Myanmar (Burma) {p. 9}

South Sudan {p. 12}

DR Congo {p. 15}

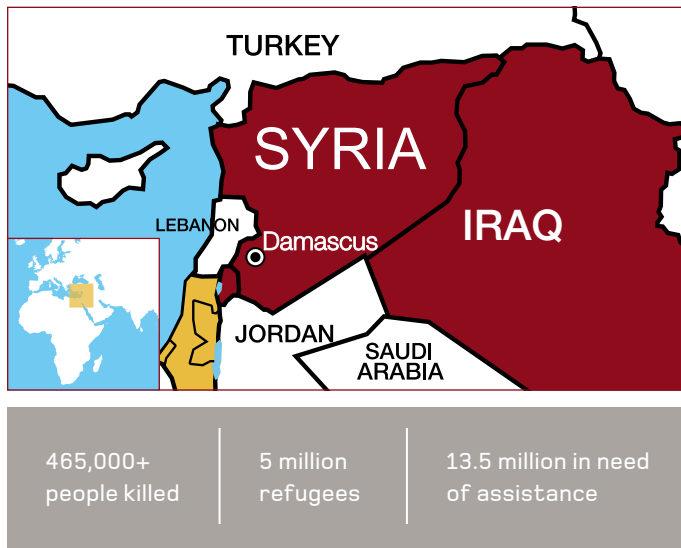
Burundi {p. 17}

Philippines {p. 18}

CAR {p. 19}

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 armed opposition groups and the Islamic State of Iraq and the Levant are also committing war crimes and crimes against humanity.

BACKGROUND

Despite the ceasefire brokered by Russia and Turkey on 30 December and the resumption of the UN-led intra-Syrian peace talks on 23 February, fighting between Syrian government forces and armed opposition groups intensified throughout February and early March. Nearly 66,000 people have been displaced by recent fighting and the Syrian Observatory for Human Rights (SOHR) documented the deaths of 769 civilians, including 180 children, during February.

Since the Syrian conflict began in 2011 over 465,000 people have been killed. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of February 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 3.9 million in inaccessible areas. According to OCHA, 643,780 people continue to be trapped in 13 besieged locations across the country.

For almost 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 report of the CoI determined that between July and December 2016, Syrian and Russian forces deliberately targeted civilians and civilian infrastructure in air strikes, claiming hundreds of lives and destroying hospitals, schools and markets. The CoI labeled the evacuation of civilians from formerly opposition-

held eastern Aleppo "a policy of forced displacement" and named the Syrian Air Force responsible for the 19 September attack on a humanitarian aid convoy in the town of Urum al-Kubra. Government airstrikes in residential areas contravene UN Security Council (UNSC) Resolution 2139, which demanded all parties cease attacks on civilians and the use of indiscriminate weapons.

The government has also routinely obstructed the delivery of cross-border humanitarian aid, contravening multiple UNSC resolutions. Despite the ceasefire, humanitarian access has deteriorated since the start of 2017. In February only two inter-agency aid convoys were able to reach their intended destination. Attacks against health facilities have also continued.

Numerous armed opposition groups have committed war crimes, violated international humanitarian law (IHL) and targeted religious minorities for attack. The Islamic State of Iraq and the Levant (ISIL) poses a direct threat to civilians as its fighters have carried out crimes against humanity, including mass killings and sexual enslavement in areas under their control. On 22 February OCHA reported that at least 300 civilians had been killed in anti-ISIL operations taking place in Ar-Raqqa and Al-Bab. According to the SOHR, ISIL killed at least 3,700 civilians in Syria between June 2014 and March 2017.

The Organization for the Prohibition of Chemical Weapons Joint Investigation Mechanism (JIM) has found evidence of Syrian government forces and ISIL using chemical weapons. The JIM has 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 13 February Human Rights Watch reported that between 17 November and 13 December 2016 Syrian government forces used chlorine as a weapon on at least eight occasions during its offensive to retake Aleppo. The use of chemical weapons is a war crime and also directly contravenes UNSC Resolution 2118 of September 2013.

An international coalition, led by the United States, is currently conducting airstrikes against ISIL in Syria. The SOHR reported that coalition airstrikes killed at least 920 civilians between September 2014 and November 2016. Russia commenced airstrikes in Syria during September 2015, claiming it would help defeat ISIL. However, most airstrikes have targeted other opposition forces and civilian areas outside government control, including in Aleppo. The SOHR reported that Russian airstrikes had killed 3,209 ISIL fighters and 4,925 civilians, including 1,190 children, as of 28 February 2017.

Saudi Arabia and Qatar are providing arms to some armed opposition groups. Meanwhile, Iran and Hezbollah continue to provide crucial economic, military and political support to the Syrian government.

ANALYSIS

Widespread ceasefire violations demonstrate that all sides in Syria remain committed to military victory and that the lives of countless civilians are still imperiled by the ongoing civil war. Attacks on medical facilities and civilian infrastructure demonstrate a complete disregard for IHL and international human rights law (IHRL). A lasting ceasefire is vital for the protection of civilians and the future of peace talks.

The Syrian government, with support from its international allies, continues to utilize its military resources to retain power at all costs. Combined Syrian and Russian airstrikes have enabled government forces to regain significant territory previously lost to opposition groups. The direct participation of Russian aircraft in the bombardment of eastern Aleppo and elsewhere makes them complicit in alleged war crimes.

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.

External political influence upon the Syrian government, via the UN and regional actors, remains weak. 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 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. Despite this, the UNSC has failed to adequately respond to the conflict. Since 2013, the UNSC has passed several resolutions on humanitarian access, the political process and chemical weapons in Syria. Several of these resolutions refer to the government's responsibility to protect populations, but none of them have been fully implemented.

On 28 February Russia and China vetoed a draft resolution that would have imposed sanctions under Chapter VII of the UN Charter on Syrian government officials and entities linked to chemical weapons attacks and placed an embargo on arms sales and chemicals intended to be used as weapons. This was the sixth joint veto of a UNSC resolution by China and Russia since 2011. Russia also independently vetoed another Syria resolution on 8 October 2016.

The CoI, former UN Secretary-General and High Commissioner for Human Rights have all called for the situation in Syria to be referred to the ICC.

On 21 December the UN General Assembly voted to establish an impartial, independent, international investigative mechanism to collect evidence of atrocities in Syria. UN Secretary-General António Guterres submitted the terms of reference during January and intends to operationalize the mechanism, which is located in Geneva, as soon as possible.

On 24 and 25 January Russia, Turkey and Iran coordinated negotiations in Astana, Kazakhstan between government and opposition forces. Following the talks they announced their intention to create a trilateral mechanism to monitor compliance with the ceasefire. The UN hosted another round of intra-Syrian talks in Geneva from 23 February to 3 March. The talks are scheduled to resume on 23 March.

NECESSARY ACTION

Russia and Turkey need to press their respective Syrian allies to uphold the ceasefire and engage in meaningful negotiations over how to end the civil war. The UNSC must take meaningful action to end the use of indiscriminate and illegal weapons and hold all perpetrators accountable. The Secretary-General should present the full report of the Board of Inquiry into the September 2016 humanitarian convoy attack to the UNSC, and Council members should immediately take action based upon the findings. UNSC members must also support efforts to hold accountable all perpetrators of chemical weapons attacks in Syria, as outlined in reports by the JIM.

UN member states should cooperate fully with the impartial, independent, international investigative mechanism established by the General Assembly and facilitate its work through the provision of voluntary funding. Member states should also provide crucial technical assistance.

In keeping with various UNSC resolutions, Syrian government forces, their international allies, and armed opposition groups must facilitate unimpeded humanitarian access to all civilians trapped or displaced by fighting. Neutral humanitarian corridors should be urgently established for besieged civilian populations.

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. All foreign states participating in airstrikes against ISIL must ensure all necessary precautions are taken to avoid civilian casualties and uphold IHL.

MORE INFORMATION

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



215,140+ people displaced
by Mosul offensive

Over 6,800 civilians
killed in 2016

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 human rights abuses.

BACKGROUND

Following the launch of a major offensive to recapture Mosul from ISIL, who have declared a caliphate spanning Syria and Iraq, the humanitarian situation in the city has become increasingly dire. Since the offensive began on 17 October, ISIL has engaged in widespread fighting across northern Iraq with a coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support. According to the UN Office of the High Commissioner for Refugees (UNHCR), more than 215,140 people have been displaced by these military operations.

On 23 January the Iraqi government announced the recapture of eastern Mosul, and on 19 February began an offensive to retake western Mosul. UN agencies and humanitarian organizations have raised concerns about the estimated 750,000 civilians still living in the ISIL-controlled western sector of the city, where living conditions have deteriorated sharply. Up to 4,000 civilians are allegedly fleeing the city each day and civilians comprise approximately 47 percent of casualties in Mosul.

Since the start of the Mosul offensive, the UN has received credible reports of ISIL perpetrating mass killings and forced displacement of civilians. 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 have targeted and killed civilians who are fleeing Mosul.

The ISF and Kurdish Peshmerga forces have discovered at least five mass graves in towns near Mosul since the offensive began. Three of the mass graves were discovered in Hammam al-Alil, and likely contain the bodies of hundreds of missing Iraqi police officers. Peshmerga discovered two other mass graves of members of the Yazidi community near the Shababit junction in northwestern Iraq. OHCHR has reported that at least 20 mass graves have been found in formerly ISIL-held territory since October 2016.

The UN Assistance Mission for Iraq (UNAMI) reported that 392 civilians were killed in acts of terrorism, violence and armed conflict during February. Given access constraints, UNAMI states that these figures “have to be considered as the absolute minimum.” OCHA estimates that as of March 11 million people in Iraq – one third of the population – are in need of humanitarian assistance, with 3 million people internally displaced.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minority communities, 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. More than 3,500 women and children, mainly Yazidi, remain enslaved by ISIL.

ISIL also routinely targets civilians from the majority Shia population in sectarian attacks. On 16 February at least 54 people were killed in a bombing that targeted the largely Shia neighborhood of Bayaa in Baghdad.

The United States has been conducting airstrikes against ISIL in Iraq since 8 August 2014, following the Iraqi government's request for assistance after the group seized the northern town of Sinjar. Since then Australia, Belgium, Canada, Denmark, France, Jordan, Netherlands and United Kingdom have joined the military coalition against ISIL in Iraq, with some also participating in airstrikes on ISIL in Syria.

Responding to sectarian terrorist attacks and the rise of ISIL, some members of the ISF and Kurdish Peshmerga forces have carried out violent reprisals against Sunni civilians. OHCHR has expressed concern at reports of forced evictions and extrajudicial 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 11 November OHCHR reported allegations of retaliatory attacks by civilians and ISF members, including revenge killings and demolition of houses in Kirkuk, as well as other violations of IHL and IHRL. On 2 February UNHCR reported that at least 116 families allegedly affiliated with armed groups have been

expelled from their homes by local government authorities in Salah al-Din governorate.

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, as the ISF and Peshmerga forces advance, ISIL continues to use civilians as human shields and target those who attempt to flee. As the territory controlled by ISIL shrinks they will likely increase terrorist attacks across Iraq. It is essential that all parties combatting ISIL 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, pose a direct threat to Sunni civilians.

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 the UNSC adopted Resolution 2299, renewing the mandate of 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 vulnerable populations from 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 battle for Mosul 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 evidence regarding all mass atrocity crimes perpetrated by ISIL in Iraq, including the genocide against the Yazidi. Perpetrators should be held accountable under international law.

MORE INFORMATION

- » [UNAMI Website](#)
- » [Casualty Figures UNAMI](#), 1 March 2016
- » ["A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL,"](#) OHCHR and UNAMI, August 2016
- » [GCR2P Populations at Risk: Iraq](#)



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. Violence has escalated since peace talks were suspended on 6 August, with extensive shelling in Taizz, Sana'a and Al Hudaydah. The most recent attempted ceasefire, which started on 19 November, collapsed

within 48 hours. Following the launch of an offensive to retake Al Mokha during January, the government successfully recaptured the city on 10 February. The offensive resulted in widespread fighting and according to OCHA, the vast majority of Al Mokha's population fled the town. On 10 February OHCHR reported that both sides have continued to violate IHL and IHRL by targeting civilians during fighting.

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 Yemen.

Violence between Houthi rebels and various pro-government forces, as well as Saudi-led coalition airstrikes, has resulted in more than 10,000 people killed, including over 4,150 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. On 21 February the UN Children's Fund warned that as many as 462,000 children in Yemen are at risk of death due to severe acute malnutrition. This figure has risen nearly 200 per cent since 2014.

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.

On 19 December Saudi Arabia confirmed that it had used illegal cluster munitions while bombing parts of Yemen, vowing to cease using United Kingdom-made cluster munitions in the future. On 9 March Amnesty International published evidence of the Saudi-led coalition using Brazilian-manufactured cluster munitions in Sa'da city.

On 28 February OHCHR announced that parties to the conflict had recruited 1,476 boys between 26 March 2015 and 31 January 2017, and called for the immediate release of all child soldiers. The actual number of child soldiers is likely to be much higher, as most families do not report child recruitment for fear of reprisals. The recruitment and use of children in armed conflict is a war crime.

The UN and the Gulf Cooperation Council (GCC) have made numerous attempts to broker peace between parties to the conflict. On 28 November Ansar Allah, the Houthis' political movement, and the General People's Congress, the party of former President Saleh, unilaterally announced the formation of a new government. The UN Special Envoy to Yemen, Ismail

Ould Chekh Ahmed, and the GCC condemned the decision. Amidst increasing violence Special Envoy Ahmed, together with "the Quad" (Saudi Arabia, United States, United Kingdom and United Arab Emirates), has been unable to secure a date for the resumption of peace talks.

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 the cessation and attempts by the Houthis to subvert the political transition are in violation of various UNSC resolutions. The ongoing conflict has resulted in a nation-wide humanitarian catastrophe. The UN Under-Secretary-General for Humanitarian Affairs, Stephen O'Brien, has asserted that, "famine is now a possibility."

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 also called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have resulted in increased 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 they 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 the Yemen conflict, it would halt some arms sales to Saudi Arabia.

NECESSARY ACTION

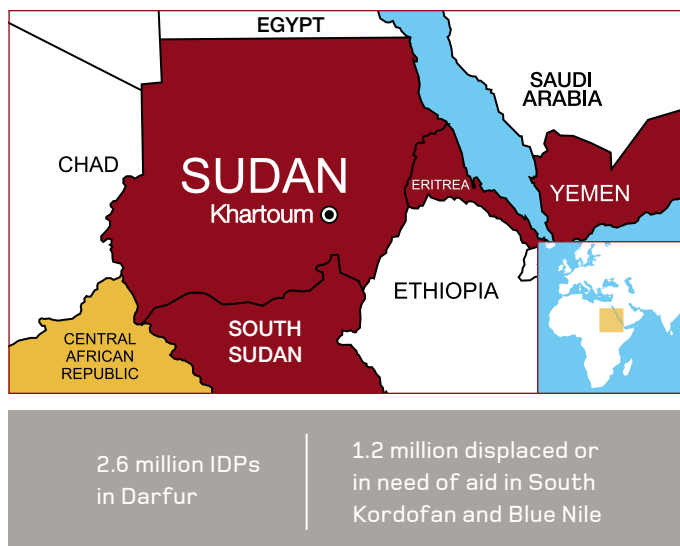
The distinction between military and civilian targets is central to IHL and must be adhered to at all times. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including cluster munitions. All parties must uphold their responsibility to protect vulnerable populations regardless of their tribal, religious or political affiliations.

All parties to the conflict must respect agreed ceasefires in order to ensure humanitarian access to vulnerable civilians in desperate need of food, water and medical supplies. The severe humanitarian crisis in Yemen is a direct result of armed conflict, and cannot be addressed by aid alone. All parties must return to political negotiations to avert the risk of famine.

The UNSC, GCC and all parties to the conflict need to ensure that Resolution 2216 is fully implemented and that Yemen returns to the political transition process. The government and Houthis should return to substantive peace negotiations. The UN Human Rights Council should establish an international commission of inquiry to investigate serious violations of IHL and IHRL in Yemen since March 2015.

MORE INFORMATION

- » [UNSC Press Statement, SC/12512](#), 8 September 2016
- » [HRC Resolution A/HRC/33/16](#), 30 September 2016
- » [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 over five 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. According to OCHA, since June 2011 the conflict has resulted in over 1.2 million people "internally displaced or severely affected and in need of humanitarian assistance," while more than 250,000 have fled to South Sudan and 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 reported evidence that the SAF has perpetrated at least 30 suspected chemical weapons attacks against civilians in Darfur since January 2016. 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. The Sudanese government signed the agreement during March 2016 and on 8 August a number of rebel groups, including the SPLM-N, also signed the Roadmap. However, the parties failed to reach an agreement regarding a permanent cessation of hostilities in South Kordofan, Blue Nile and Darfur.

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 breaching the agreement and perpetrating new attacks in South Kordofan.

The situation in Darfur continues to deteriorate with civilians facing ongoing inter-communal violence, as well as attacks by the SAF and Rapid Support Forces, a pro-government militia with aerial and ground support from the SAF. Heavy clashes in Jebel Marra, North Darfur, between the government and the Sudan Liberation Army-Abdul Wahid, who remain outside the peace process, led to the displacement of over 129,000 civilians during 2016. A total of 2.6 million people are now displaced in Darfur. On 31 October the UN indicated that the Sudan Liberation Army-Minni Minnawi and the Justice and Equality Movement (JEM) had announced a six-month unilateral ceasefire.

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. Former UN Secretary-General Ban Ki-moon condemned repeated attacks on UNAMID. 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 both the SAF and SPLM-N demonstrate an unwillingness to distinguish between combatants and civilians, actions that 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 systematically 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 contravenes the Status of Forces Agreement between the UN and Sudan.

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 63 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 criticized the UNSC for failing to meaningfully assist in their arrest.

On 29 June the UNSC adopted Resolution 2296, which extended UNAMID's mandate until 30 June 2017. The resolution emphasized that those responsible for violations of IHL 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."

On 13 January the United States announced it would lift some bilateral sanctions on Sudan, citing "positive actions" taken by the government, including pledges to uphold the cessation of hostilities in some conflict areas.

On 8 February the UNSC extended the mandate of the Panel of Experts for an additional year, recalling that the government "bears the primary responsibility for protecting all populations within its territory."

NECESSARY ACTION

After more than 10 years and 63 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.

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. The UNSC should ensure that violators of the arms embargo are held to account.

MORE INFORMATION

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



73,000+ civilians have fled from Rakhine state into Bangladesh since October 2016

MYANMAR (BURMA)

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

BACKGROUND

The government of Myanmar announced the termination of a four-month “clearance operation” in northern Rakhine state on 16 February. The joint army-police operation began following a series of attacks on border guard posts by a non-state armed group on 9 October 2016. During the “clearance operation” there were reports of mass arrests, torture, enforced disappearance, rape and other forms of sexual violence, forcible removal, extrajudicial killings and widespread destruction of Rohingya homes and mosques.

OHCHR released a 3 February report based upon interviews with civilians who have fled from Myanmar since October, detailing “widespread and systematic” attacks against the Rohingya. The report states that government forces have very likely perpetrated crimes against humanity. Based on victim and eyewitness accounts, Human Rights Watch also presented findings on 6 February indicating that government forces committed rape and other sexual violence against Rohingya women and girls in a “coordinated and systematic” manner. On 28 February the military’s chief of general staff, General Mya Tun Oo, said that an internal investigation conducted by the military failed to find evidence that widespread human rights violations against the Rohingya had taken place.

The Rohingya, a distinct Muslim ethnic minority group, have been systematically disenfranchised and marginalized under 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.

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. Rohingyas were largely disenfranchised in advance of Myanmar’s historic November 2015 elections and continue to be denied citizenship and other fundamental human rights.

On 29 January one of Myanmar’s most prominent Muslim lawyers and adviser to the National League for Democracy (NLD) government, U Ko Ni, was murdered outside Yangon International Airport. The UN Special Rapporteur on the human rights situation in Myanmar, Yanghee Lee, called for an urgent investigation, noting “this appears to be another shocking example of a reprisal against those speaking out on behalf of the rights of others.” U Wirathu, a monk known for his anti-Muslim hate speech, thanked the murder suspects on social media.

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 OCHA, an estimated 73,000 civilians have fled Rakhine state to Bangladesh since October. During January the government of Bangladesh announced its intention to transfer Rohingya asylum seekers to an island in the Bay of Bengal before returning them to Myanmar.

While the previous government signed ceasefire agreements with several ethnic armed groups, conflict continues in other parts of Myanmar. Intensified conflict between Myanmar’s military forces (Tatmadaw) and ethnic armed groups in Kachin and Shan state has resulted in a deteriorating humanitarian situation. According to OCHA, as of March an estimated 10,500 people remain displaced as a result of fighting in Kachin and northern Shan states since November 2016.

ANALYSIS

The previous government’s refusal to end discriminatory state policies against 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 NLD government has yet to take steps towards repealing discriminatory laws and anti-Rohingya policies.

The military’s disregard for credible allegations by OHCHR and other international observers regarding atrocities committed against the Rohingya leaves populations in Rakhine state at ongoing risk of further crimes. Domestic commissions, controlled by the military, continue to deny that human rights violations have been committed by the security forces.

The Kigali Principles on the Protection of Civilians

Peacekeepers are increasingly called upon to uphold the international community's commitment to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. The Kigali Principles are the foundation of civilian protection mandates in UN peacekeeping. Ten out of sixteen current UN peacekeeping operations have the Protection of Civilians at the core of their mandates.

Signatories

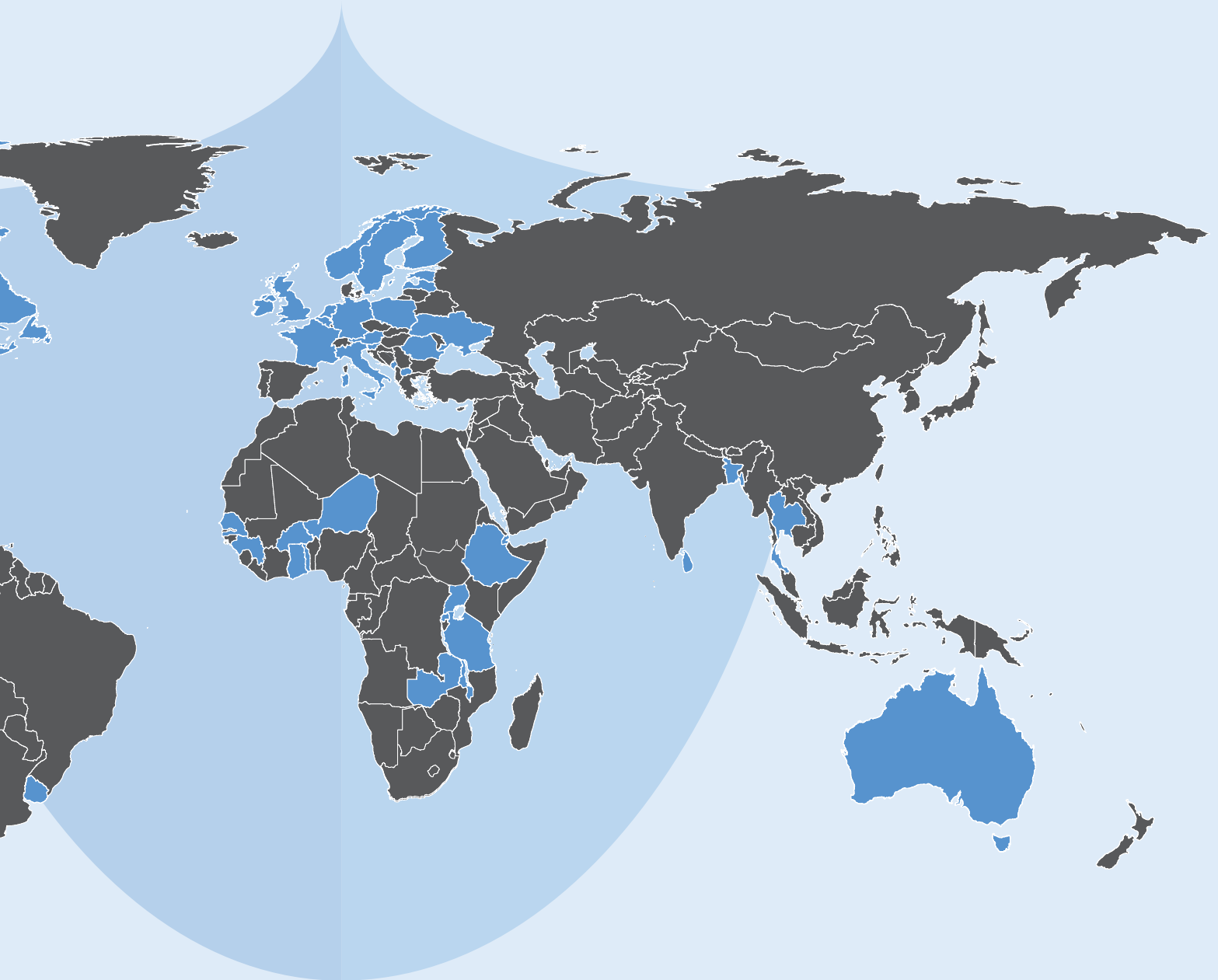
1. Australia
2. Austria
3. Bangladesh
4. Belgium
5. Burkina Faso
6. Canada
7. Djibouti
8. Estonia
9. Ethiopia
10. Finland
11. Former Yugoslav Republic of Macedonia
12. France
13. Germany
14. Ghana
15. Guinea
16. Ireland
17. Italy
18. Latvia
19. Malawi
20. Montenegro
21. Netherlands
22. Niger
23. Norway
24. Poland
25. Romania
26. Rwanda
27. Senegal
28. Slovenia
29. Sri Lanka
30. Sweden
31. Tanzania
32. Thailand
33. Togo
34. Uganda
35. Ukraine
36. United Kingdom
37. United States
38. Uruguay
39. Zambia



Updated as of 15 March 2017

ians

ity's Responsibility to Protect civilians from mass atrocity crimes, namely Principles are a set of eighteen pledges for the effective implementation of Security Council-authorized missions, constituting 97% of peacekeepers,



Percentage of all UN Peacekeepers currently provided by signatories

47%

The killing of U Ko Ni, who was in the process of drafting a new constitution, compounds the challenges facing democracy in Myanmar. It appears that the NLD government is unable to control the security forces operating in Rakhine state, threatening the safety of vulnerable Rohingya populations and other civilians. With a pervasive culture of impunity, the Tatmadaw has not been held accountable for previous mass atrocity crimes.

The government of Myanmar is failing to uphold its primary Responsibility to Protect with regard to the Rohingya.

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 under the leadership of Aung San Suu Kyi, the EU announced on 16 September that it would not be submitting a UN General Assembly human rights 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.”

From 9–20 January Special Rapporteur Lee conducted her fifth official visit to Myanmar. Special Rapporteur Lee noted allegations of ongoing human rights abuses and raised alarm regarding widespread fear amongst civilians of potential reprisals as punishment for speaking out. Special Rapporteur Lee also visited Bangladesh from 20–23 February and met with Rohingya asylum seekers, as well as government officials.

On 13 March Special Rapporteur Lee presented a report to the UN Human Rights Council, calling for the establishment of a Commission of Inquiry to investigate systematic, institutional discrimination and persecution of the Rohingya and other minorities in Rakhine state, “which may amount to crimes against humanity.”

NECESSARY ACTION

The government should support an independent investigation into possible crimes against humanity committed by the security forces in Rakhine state and must hold perpetrators accountable. The UN Human Rights Council should approve the establishment of an international Commission of Inquiry on the situation in Rakhine state.

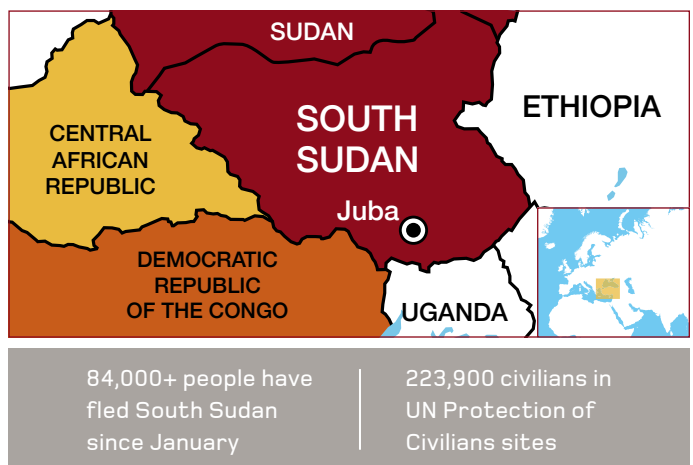
The government must facilitate the safe, voluntary return of IDPs and refugees to their communities in Rakhine state. The government should allow humanitarian and human rights organizations access to populations in Rakhine state. Countries that receive Rohingya asylum seekers should offer them protection and assistance. Members of the Association of Southeast Asian States and the Organization of Islamic

Cooperation, as well as the UN, should continue to urge the government of Myanmar to address humanitarian concerns regarding the Rohingya.

The government must repeal or amend all laws and regulations that discriminate against Rohingya and other minorities in Myanmar, including the four “Protection of Race and Religion” laws and the 1982 Citizenship Law. The government must 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
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)



SOUTH SUDAN

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

BACKGROUND

Renewed fighting between elements of the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO), as well as other rebel groups, has erupted throughout South Sudan, particularly in Equatoria and Upper Nile. Former UN Secretary-General Ban Ki-moon warned the UNSC last December that the country was on a “trajectory towards mass atrocities” and denounced the rise in hate speech and ethnic mobilization. The UN Commission on Human Rights in South Sudan stated on 1 December that there is already “ethnic cleansing underway in several areas of South Sudan using starvation, gang rape and the burning of villages.” On 7 February the UN Special Adviser on the Prevention of Genocide, Adama Dieng, warned that “the risk that mass atrocities will be committed remains ever-present.”

According to the UN, civilians who fled renewed fighting during January reported “killing of civilians, destruction of homes, sexual violence, and looting of livestock and property, and cited fear of arrest and torture.” During February a confidential

UN report warned that the fighting had already reached “catastrophic proportions.” Parts of South Sudan are currently experiencing famine, which the UN Humanitarian Coordinator for South Sudan has called a “man made” situation caused by the government. According to the UN, more than 84,000 people have fled South Sudan since the start of 2017.

The latest violence follows five days of intense fighting from 7-11 July 2016 between elements of the SPLA and armed rebels of the SPLA-IO. Heavy combat, including tanks and helicopter gunships, took place in Juba. Following an 11 July ceasefire, First Vice President Riek Machar fled Juba and was replaced on 24 July by Taban Deng Gai, whose nomination by the fractured opposition was accepted by President Salva Kiir.

Hundreds of people, including civilians and two UN peacekeepers, were reportedly killed during the July fighting and 42,000 people were displaced in Juba. Some civilians attempting to flee to UN bases 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, took place during the July violence.

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. Despite the consent of the Transitional Government of National Unity and President Kiir reconfirming commitment to the regional force, no meaningful progress has been made towards the RPF’s deployment.

The fighting in Juba occurred nearly a year after President Kiir and Machar had agreed to end the country’s civil war by signing the “Agreement on the Resolution of the Conflict in the Republic of South Sudan” during August 2015. The power-sharing agreement 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 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.

The civil war was the result of a conflict that started on 15 December 2013 between the SPLA and SPLA-IO. Over the following 18 months, the worst fighting was between ethnic Dinka and Nuer soldiers loyal to President Kiir and Machar, respectively. At least 24 armed militias loosely aligned with either side, including the powerful Nuer White Army, continue to operate in South Sudan. At least 50,000 people were killed and more than 1.5 million people fled South Sudan between December 2013 and January 2017. An additional 2.1 million people are still internally displaced.

ANALYSIS

Political instability and sustained violence have been pervasive in South Sudan for the majority of its five years of independence. The resumption of fighting leaves civilians at direct risk of potential mass atrocity crimes, particularly during the dry season when troops are able to be more mobile.

Despite the formation of the Transitional Government of National Unity, the peace agreement was never fully implemented and the root causes of the conflict have not been addressed. A pervasive culture of impunity has fueled recurring cycles of armed violence and mass atrocities. The UN Panel of Experts on South Sudan has reported that deliberate policies by parties to the conflict have “exacerbated the political, tribal and ethnic drivers of the war.”

The government has previously obstructed UNMISS. With ongoing resource deficits and a hostile operating environment, UNMISS is still struggling to protect vulnerable populations.

The government of South Sudan has failed to uphold its Responsibility to Protect and ensure accountability for past mass atrocity crimes.

INTERNATIONAL RESPONSE

On 31 May the UNSC adopted Resolution 2290 extending the sanctions regime until 31 May 2017 and the mandate of the Panel of Experts until 1 July 2017. Six senior military figures, three from both the SPLA and SPLA-IO, are currently subject to sanctions.

On 14 December, during a UN Human Rights Council special emergency session on South Sudan, a resolution was adopted, emphasizing that the government of South Sudan has “the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity.”

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 29 January during a meeting held on the sidelines of the AU Summit, the UN, IGAD and AU agreed that full implementation of the 2015 peace agreement is the only means of achieving lasting peace in South Sudan. The UN, AU and IGAD issued a joint press statement expressing “deep concerns over the continuing spread of fighting, and risk of inter-communal violence escalating into mass atrocities.”

On 10 February the UNSC issued a Press Statement condemning continued fighting across South Sudan, particularly in Equatoria and Upper Nile, as well as all attacks directed against civilians.

NECESSARY ACTION

The Transitional Government must fully implement all provisions of the August 2015 peace agreement and UNSC Resolution 2304. All political and community leaders should publicly condemn the use of ethnic hate speech. The government, SPLA and SPLA-IO must ensure that UNMISS is able to move freely and without threats to their personnel. The inviolability of UN compounds must be respected.

IGAD, together with the Transitional Government, must expeditiously establish and deploy the RPF. The international community should immediately enhance UNMISS' capabilities through the provision of additional aviation assets, including tactical military helicopters and unarmed unmanned aerial systems. 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 those deemed to be prolonging, exacerbating or profiting from ongoing conflict.

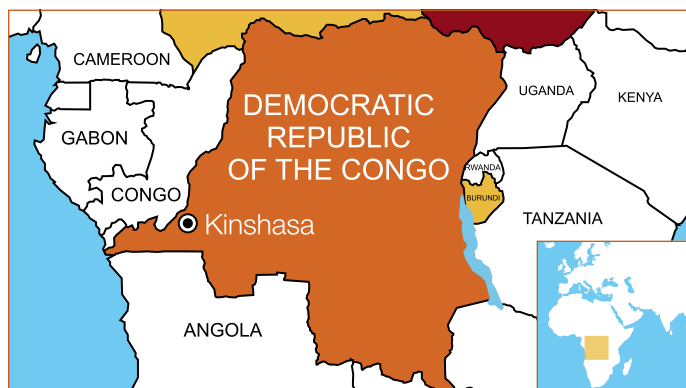
The AU should establish the HCSS and ensure it has the resources to investigate and prosecute individuals responsible for mass atrocities committed since December 2013, including commissioning a special investigation into the July violence in Juba. The government, AU and international community must 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
- » [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.



1.9 million IDPs

400+ people killed in violence in Kasai Central Province since July 2016

DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the eastern Democratic Republic of the Congo remain at risk of possible mass atrocity crimes perpetrated by armed groups. Postponed presidential elections have also resulted in political violence and increased instability.

BACKGROUND

Despite the signing of a political agreement on 31 December, there is an ongoing risk of deadly political violence as a result of tensions surrounding postponed presidential elections in the Democratic Republic of the Congo (DRC). 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. The UN Joint Human Rights Office in the DRC (UNJHRO) recorded 48 civilians killed by security forces during the September demonstrations and more than 40 people killed in Kinshasa, Lubumbashi, Boma and Matadi 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, but most opposition groups refused to participate. On 18 October participants in the national dialogue reached an agreement mandating the creation of a transitional government with Kabila continuing as President until elections are held in April 2018. 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 a deal calling for elections to be held during 2017 and for President

Kabila to abstain from seeking a third term. Negotiations on implementation of the deal have met several complications, including the 1 February death of opposition leader Etienne Tshisekedi who was due to lead the implementation council.

Pervasive insecurity in the eastern DRC has also allowed armed groups to perpetrate mass atrocity crimes against civilians. Armed groups – such as 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 and continue to sporadically attack vulnerable populations in a region that is home to 1.9 million IDPs.

Despite offensives conducted by the government's armed forces (FARDC) with assistance from the UN's stabilization mission in the DRC (MONUSCO) and its force intervention brigade, violence committed by dozens of armed groups continues throughout the eastern DRC. Inter-communal clashes have sparked violence in North Kivu, particularly between armed groups affiliated with the FDLR, and those affiliated with ethnic Nandes. Elsewhere in North Kivu the ADF and other armed groups have been sporadically attacking villages near Beni, massacring more than 700 civilians since October 2014 and perpetrating possible crimes against humanity.

On 6 January OCHA reported that violence resulting from tensions between DRC authorities and a local militia following the killing of their chief, Kamuina Nsapu, had resulted in over 150 people killed in Kasai, Kasai Central and Kasai Oriental provinces since August 2016. On 9-13 February renewed fighting broke out between the Kamuina Nsapu militia and the FARDC, resulting in the army reportedly killing over 100 people, including 39 women. The government has stated that it will investigate videos showing FARDC forces shooting men and women who allegedly belonged to a militia in Muenza Nsapu village.

OHCHR condemned the clashes, noting that Kamuina Nsapu had perpetrated atrocities against civilians and that the FARDC had reportedly used disproportionate force in its response to the militia. On 8 March the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said that at least three mass graves have been discovered in the area.

Additional armed groups have also utilized the ongoing instability to attack security forces and perpetrate crimes against civilians. Fighting near Bunagana between security forces and M23 rebels, who have reportedly returned to the DRC from Uganda, resulted in the deaths of several FARDC soldiers. During February armed militias also perpetrated violent attacks on facilities belonging to the Catholic Church in Kinshasa, Haut-Katanga, Kasai Central and Kasai Oriental.

ANALYSIS

Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk of political violence. The CENCO agreement provides an opportunity for a peaceful transition of power in the DRC if all parties swiftly agree to an implementation strategy.

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 and FDLR if these issues are not resolved.

Military measures taken against armed groups continue to leave civilians at risk of reprisal violence. The FARDC has also been implicated in attacks on civilians, including widespread sexual violence, and often fails to hold its members accountable for human rights violations.

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 30 March 2016 the UNSC extended MONUSCO's mandate until March 2017, 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."

OHCHR has called for accountability for the killing of civilians during the September and December protests. Five UN Special Rapporteurs have issued statements condemning the security forces' deadly response to protests and urging the government to lift bans on public assembly.

On 12 December the United States announced targeted sanctions against two high-ranking government officials while the EU imposed sanctions on seven individuals with "command and control" responsibility for security forces involved in deadly violence. The UNSC also currently subjects 9 entities and 31 individuals connected to armed groups in the eastern DRC to sanctions.

On 11 February MONUSCO condemned the 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." MONUSCO and CENCO issued a joint statement on 24 February condemning attacks on Catholic churches and facilities.

On 20 February High Commissioner Zeid called for the immediate halt to widespread human rights violations by the armed forces. 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." The UNSC issued a Press Statement on 24 February calling for an immediate investigation into violence in the Kasai provinces, noting that the reported violations of IHL may constitute war crimes.

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. The FARDC and MONUSCO need to improve their capacity to respond to early warning of inter-communal violence and attacks by armed groups.

The security forces must respect international standards on the use of force. The government must urgently address allegations of the security forces using disproportionate 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.

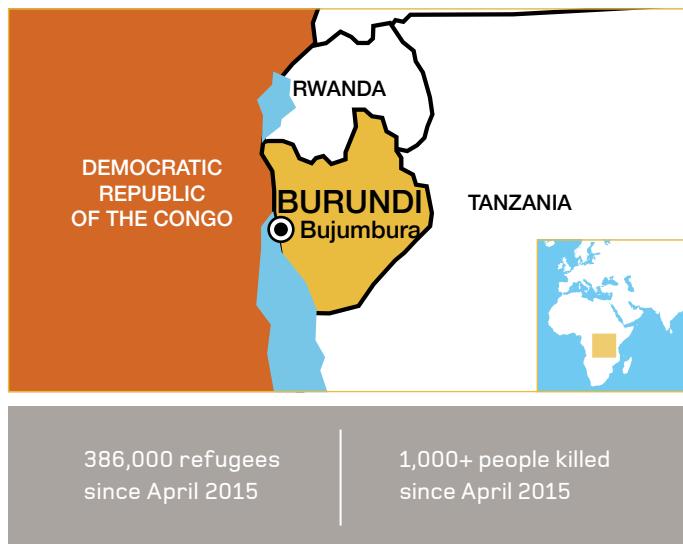
Parties to the CENCO political agreement should ensure its swift implementation as a means of avoiding any further deterioration of the political situation.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [Report on Human Rights violations in the DRC in the context of the events of 19 December 2016](#), UNJHRO, 28 February 2017
- » [UNSC Press Statement SC/12734](#), 24 February 2017
- » [GCR2P Populations at Risk: DRC](#)

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.



BURUNDI

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

BACKGROUND

There is an ongoing risk of mass atrocity crimes in Burundi as a result of widespread violations of human rights, targeted killings and tensions within the security forces. As reported by the UN Independent Investigation on Burundi (UNIIB), human rights violations are primarily carried out “by State agents and those linked to them,” including the ruling party’s youth wing, Imbonerakure. These violations may amount to possible crimes against humanity. Members of the Burundian army and police, and of the ruling Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD-FDD), have been assassinated in suspected reprisal killings.

The UN Secretary-General’s 23 February report on Burundi notes there have been frequent killings, enforced disappearances, gender-based violence, arbitrary arrests and detentions, and torture. Freedom of expression has been severely restricted by the government shutting down independent media outlets and suspending the permits of civil rights groups. The government has also taken steps to isolate itself from the international community, including by rejecting a UNSC-mandated police force and withdrawing from the ICC.

Since April 2015 at least 1,000 people have been killed in politically-inspired violence. Over 386,000 people have fled Burundi and more than 141,000 remain internally displaced. The crisis developed following the announcement by the CNDD-FDD that President Pierre Nkurunziza would seek a third presidential

term. This was regarded by the political opposition and many civil society groups as violating the constitution and the 2000 Arusha Peace and Reconciliation Agreement, which ended a civil war that had claimed over 350,000 lives between 1993 and 2005. President Nkurunziza was elected for a third term during July 2015.

The East African Community (EAC) has attempted to mediate the ongoing conflict, but on 13 December 2016 the opposition coalition Conseil National pour le respect de l’Accord d’Arusha pour la Paix et la Réconciliation au Burundi et de l’Etat de droit (CNARED) rejected the EAC facilitator, former Tanzanian President Benjamin Mkapa. The government refused to participate in the latest round of talks during February.

ANALYSIS

There is a risk that the ongoing political crisis could deteriorate into an open armed conflict that would significantly increase the risk of mass atrocity crimes. Recurring political and ethnic conflict have previously caused mass atrocity crimes in Burundi. Tensions between the army, traditionally dominated by the ethnic Tutsi minority, and ethnic Hutu political organizations have been a perennial source of conflict.

The government’s ongoing refusal to cooperate with the UNSC, Commission of Inquiry for Burundi, OHCHR and ICC is a disturbing indication of its unwillingness to adhere to international law and collaborate with international institutions.

The Burundian government must take urgent action to reengage with the international community and uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

On 25 April 2016 the ICC announced its preliminary examination into the situation in Burundi. On 18 October President Nkurunziza signed legislation initiating Burundi’s withdrawal from the court.

On 29 July the UNSC passed Resolution 2303 urging Burundi to accept the deployment of up to 228 UN police to monitor the security situation and assist OHCHR in human rights monitoring. The government rejected the proposal.

On 30 September the UN Human Rights Council passed a resolution authorizing the creation of a Commission of Inquiry to conduct investigations into human rights violations and abuses in Burundi since April 2015. The government has refused to cooperate with the Commission.

On 29 November the UN Committee on the Elimination of Racial Discrimination urged the government to stop activities that could be “a precursor to mass atrocities.”

NECESSARY ACTION

Immediate steps must be taken by the government and opposition to avoid further militarization and ethnicization of the current political conflict. Allegations of human rights violations, torture and extrajudicial killings must be subject to independent investigation and perpetrators held accountable.

The government should collaborate with the UNSC, OHCHR and the Commission of Inquiry, and reconsider its withdrawal from the ICC. The government should facilitate the deployment of AU human rights observers and ensure that civil society and independent media can operate freely.

The UNSC should condemn recent actions by the government to obstruct the Commission of Inquiry and ICC, and work with the government to implement Resolution 2303.

The AU should impose targeted sanctions as decided by its Peace and Security Council on 17 October 2015. The UNSC should also impose targeted sanctions against any individuals deemed responsible for ongoing systematic human rights violations.

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
- » [UN HRC Resolution, A/HRC/RES/33/24](#), 30 September 2016
- » [GCR2P Populations at Risk: Burundi](#)



Almost 8,000 people extrajudicially killed since June 2016

PHILIPPINES

President Rodrigo Duterte's "war on drugs" leaves civilians in the Philippines at risk of extrajudicial killing and potential crimes against humanity.

BACKGROUND

Identifying illegal drugs as one of the Philippines' top social problems, President Rodrigo Duterte's successful 2016 election campaign promised to crush criminality and corruption and

publicly advocated the killing of suspected drug dealers and users.

Since President Duterte took office on 30 June, almost 8,000 people have been extrajudicially killed. In addition to police violence, unidentified gunmen continue to carry out executions of alleged drug offenders, as President Duterte has publicly encouraged vigilante groups to join his campaign. Since June 2016 more than 2,555 people have been killed in police operations while the rest have died in vigilante-style killings.

President Duterte has admitted that innocent civilians, including children, may have been killed during his "war on drugs," referring to them as "collateral damage." Despite President Duterte encouraging vigilantism, on 4 March 2017 his spokesperson stated "vigilante or extrajudicial killings are unlawful and therefore not sanctioned." Fearing execution, over one million alleged drug offenders have surrendered to police. President Duterte has also extended his death threats to human rights defenders and lawyers representing those arrested for drug offenses.

Unlawful violence against civilians shows no sign of abating. During October, a Philippines Senate Committee announced that investigations into extrajudicial killings would be abandoned. On 14 December the government cancelled a trip by the UN Special Rapporteur on extrajudicial killings, Agnes Callamard, due to her refusal to accept the conditions imposed upon her visit.

Following the death of a South Korean businessman in police custody, on 30 January President Duterte announced a "pause" in police operations. President Duterte ordered the Philippines National Police (PNP) to investigate 120,000 officers, stating that the "war on drugs" was not working because of "corrupt scalawags" on the police force. On 6 March the PNP Chief announced their re-engagement with anti-drug operations.

On 24 February Senator Leila de Lima, a longtime critic of President Duterte's harsh policies, was arrested on charges of abetting the illegal drug trade while serving as Justice Secretary from 2010–2015. International observers have spoken out against the arrest as an attempt by President Duterte to silence parliamentary opposition to his campaign of extrajudicial killings.

ANALYSIS

Under the current government, 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 reinforced an atmosphere of impunity. Governmental bodies are dominated by President Duterte's allies, allowing human rights violations to continue without the prospect of accountability under the justice system.

While the government of the Philippines has sovereign authority to maintain law and order within their borders, including by punishing those who deal in illegal drugs, they are obligated to do so with respect to IHRL.

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

INTERNATIONAL RESPONSE

The international community has expressed grave concern about state violence in the Philippines. On 3 November the spokesperson for the PNP responded to criticisms by the Global Centre for the Responsibility to Protect and other NGOs by inviting international human rights organizations to visit the Philippines and investigate. The government has not, however, responded to a formal request to visit.

President Duterte has compared the war on drugs with the Holocaust and declared his willingness to “slaughter” the Philippines’ 3 million suspected drug abusers. In response, on 30 September the UN Special Adviser on the Prevention of Genocide, Adama Dieng, called upon the President to “exercise restraint in the use of language that could encourage the commission of crimes which, if widespread and systematic, may amount to crimes against humanity.”

On 13 October the Chief Prosecutor of the ICC, Fatou Bensouda, declared that her office will consider a preliminary examination into the violence.

On 20 December the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, urged judicial authorities to launch an investigation into extrajudicial killings after President Duterte admitted to personally killing “about three” people while mayor of Davao during 1988–2016. On 8 March High Commissioner Zeid called for independent and credible investigations into extrajudicial killings in the Philippines.

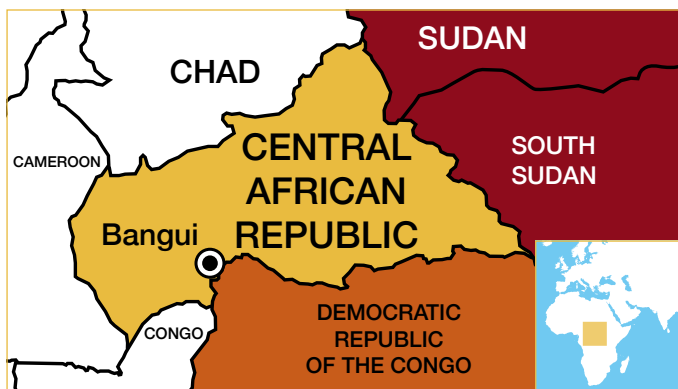
NECESSARY ACTION

National authorities in the Philippines must restore the rule of law and immediately halt widespread extrajudicial killings. The government should investigate all vigilante killings and hold perpetrators accountable. The government should immediately remove unreasonable conditions imposed on the UN Special Rapporteur on extrajudicial killings and allow her to visit the Philippines.

The UN and ICC should continue to closely monitor the situation in the Philippines. States with strong economic and political ties to the Philippines, such as the United States, must increase diplomacy aimed at ending systematic extrajudicial killings.

MORE INFORMATION

- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide, on the situation in the Philippines, 30 September 2016](#)
- » [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](#)



CENTRAL AFRICAN REPUBLIC

Civilians in the Central African Republic remain at risk of mass atrocity crimes committed by ex-Séléka rebel factions, “anti-balaka” militias and other armed groups.

BACKGROUND

Despite a period of relative stability following the peaceful election of President Faustin-Archange Touadéra in February 2016, civilians in the Central African Republic (CAR) remain at risk of mass atrocity crimes as armed groups continue to perpetrate attacks. The UN Secretary-General’s 1 February report on CAR noted that at least 287 civilians have been killed since October 2016, acknowledging that “despite the positive momentum generated by the conclusion of the political transition, the country continues to confront profound challenges.” Hostilities between factions of the former Séléka rebel alliance escalated in the latter half of 2016, particularly in Ouaka and Haute-Kotto prefectures.

In Ouham-Pendé, the armed group “Return, Reclamation, Rehabilitation” (3R) has repeatedly clashed with anti-balaka militias and has carried out attacks against civilians, as well as the UN’s stabilization mission in CAR (MINUSCA) and humanitarian organizations. MINUSCA has repeatedly declared its intention to protect the civilian population from attacks by armed groups, including by establishing a “red line” around Bambari, defending it by force when necessary.

Recurring violence and frequent attacks by various armed groups make CAR one of the most dangerous operating environments for humanitarian organizations. There are currently over 402,000 IDPs in CAR and over 475,000 refugees in neighboring countries. An estimated 2.2 million people – half the population – remain in need of humanitarian assistance.

The current crisis in CAR has its origins in the aftermath of the overthrow of President François Bozizé on 24 March 2013 by the predominantly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian and

animist “anti-balaka” militias. According to the international Commission of Inquiry for CAR, both the Séléka and anti-balaka committed war crimes and crimes against humanity between 2013–2014.

ANALYSIS

The peaceful political transition represents important progress, but governmental control remains limited outside the capital in Bangui. The fragmentation of armed groups is a challenge for Disarmament, Demobilization and Reintegration. Hostilities between factions of the former Séléka rebel alliance, who have in some instances allied themselves with anti-balaka militias, are largely driven by localized competition over economic resources and power.

National security forces are unable to repel major attacks and protect the population without the assistance of international forces. MINUSCA continues to face critical capacity gaps that impede its ability to uphold its mandate to protect civilians throughout the entire country.

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

INTERNATIONAL RESPONSE

The UNSC has passed 9 resolutions since October 2013 that emphasize the government's responsibility to protect the civilian population, including Resolution 2339 of 27 January 2017, which renewed sanctions and an arms embargo until 31 January 2018.

On 26 July 2016 the UNSC passed Resolution 2301, renewing the mandate of MINUSCA until 15 November 2017. MINUSCA has been deployed in the country since 15 September 2014. On 16 July 2016, the EU deployed a military training mission.

In a joint statement on 19 January 2017, the UN, EU, AU, Economic Community of Central African States and International Organization of La Francophonie, expressed their concern about the security situation in CAR, particularly in Ouaka and Haute-Kotto prefectures, demanding that all armed groups immediately cease hostilities.

NECESSARY ACTION

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 establish the hybrid Special Criminal Court for CAR.

MINUSCA must ensure it deploys in adequate numbers to all areas where civilians lack sufficient protection and improve its capacity to anticipate and respond to emerging security threats.

The international community should continue to support the government to help it uphold its Responsibility to Protect, including through supporting structural reform of the justice and security sectors.

MORE INFORMATION

- » [MINUSCA Website](#)
- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide, 25 November 2016](#)
- » [GCR2P Populations at Risk: Central African Republic](#)



**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
Email: info@globalr2p.org

GCR2P Sponsors

Governments: Australia, Belgium, Denmark, Germany, Ireland, Liechtenstein, Luxembourg, Monaco, The Netherlands, Norway, Republic of Korea, Sweden, Switzerland, United Kingdom

Foundations: Carnegie Corporation of New York, David and Anita Keller Foundation, Humanity United

GCR2P Patrons

Kofi Annan, Lloyd Axworthy, Jan Eliasson, David Hamburg, Lee Hamilton, Prince El Hassan bin Talal, Sadako Ogata, Fidel V. Ramos, Mary Robinson, Desmond Tutu

GCR2P International Advisory Board

Gareth Evans (Co-Chair), Mohamed Sahnoun (Co-Chair), Francis Deng, Edward Luck, Frank Majoer, Edward Mortimer, Randy Newcomb, Gert Rosenthal, Darian Swig, John Torpey, Jennifer Welsh

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

Executive Director
Simon Adams

Publications Director
Jaclyn D. Streitfeld-Hall

Contributors
Dominique Fraser, Sarah Hunter,
Nadira Khudayberdieva, Juliette
Paauwe, Anna Samulski

**To subscribe or inquire about the R2P
Monitor please contact**
jstreitfeld-hall@globalr2p.org
Phone: (+1) 347.405.3108