

R2P MONITOR

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the Global Centre for the
Responsibility to Protect

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

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

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

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

SERIOUS CONCERN

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

R2P Monitor:

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

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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



Over 688,000 ethnic Rohingya civilians have fled atrocities and crossed into Bangladesh since 25 August

MYANMAR (BURMA)

Atrocities committed against the Rohingya minority constitute crimes against humanity under international law. These crimes may also amount to genocide.

BACKGROUND

Security forces in Myanmar have committed widespread atrocities against the ethnic Rohingya community, including the unlawful killing of civilians, mass displacement, rape, and the burning of at least 362 villages, since so-called “clearance operations” began in Rakhine State on 25 August. According to the UN Refugee Agency (UNHCR), more than 688,000 refugees have fled across the border to escape the violence, bringing the total number of Rohingya refugees in Bangladesh to an estimated 900,000 people. Myanmar’s security forces launched the so-called “clearance operations” after an armed group calling itself the Arakan Rohingya Salvation Army attacked police posts and an army base on 25 August.

The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has stated that the systematic attacks on the Rohingya community bear “the hallmarks of a genocide.” The UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, also stated at the Human Rights Council (HRC) that “acts of genocide” may have been committed in Myanmar.

At Gu Dar Pyin, Inn Din, Tula Toli and various other villages, the security forces have perpetrated deliberate massacres of Rohingya civilians. According to research by Médecins Sans Frontières, at least 6,700 Rohingya were killed in Rakhine State between 25 August and 24 September alone. According to the government of Bangladesh, at least 43,000 Rohingya refugee children have reported losing at least one parent in the past six months, with the majority presumed dead.

The Associated Press, Reuters and others have also reported on the existence of multiple mass graves in northern Rakhine State. Myanmar’s authorities appear to have made a deliberate attempt to conceal evidence of these atrocities, including by bulldozing a mass grave site in Maung Nu. Human Rights Watch has reported that since late 2017 the government of Myanmar has also systematically cleared the remains of at least 55 Rohingya villages.

On 23 November the governments of Myanmar and Bangladesh signed a repatriation agreement, which stipulated that the return of Rohingya refugees would begin on 23 January, but the process has been indefinitely delayed. A number of governments, as well as humanitarian and human rights organizations, expressed concern over the conditions for repatriation, including the lack of guarantees that returnees would not be subjected to further persecution. The agreement has also been criticized for its failure to include UNHCR in the repatriation process. While Bangladesh welcomed UNHCR’s potential involvement, Myanmar has refused.

The Myanmar authorities continue to restrict or deny access to northern Rakhine State for international humanitarian and human rights organizations, independent media, as well as the HRC-mandated Fact-Finding Mission. Since December the government of Myanmar has also denied access to Special Rapporteur Lee.

The current crisis in Myanmar began less than a year after authorities concluded similar “counter-insurgency operations” in northern Rakhine State. Between October 2016 and February 2017 there were reports of grave human rights violations against Rohingya civilians, which the UN Office of the High Commissioner for Human Rights (OHCHR) said may have amounted to crimes against humanity.

The Rohingya, a distinct Muslim ethnic minority group of approximately 1 million people, have been systematically persecuted by discriminatory laws and policies in Myanmar for decades. The 1982 Citizenship Law rendered most of the population stateless. The Rohingya are also subject to severe restrictions on their freedom of movement, with more than 120,000 Rohingya confined to camps since 2012. The Myanmar government denied the Rohingya the ability to self-identify on the 2014 national census, the first since 1983. They were also largely disenfranchised in Myanmar’s November 2015 elections. The rights of the Rohingya are further limited by the so-called Protection of Race and Religion laws, which were passed in 2015 and place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights.

The Advisory Commission on Rakhine State, mandated to provide recommendations on resolving recurring conflict in the state,

submitted its final report to the Myanmar authorities on 24 August. Led by former UN Secretary-General Kofi Annan, the Commission has offered practical recommendations to address the root causes of conflict in Rakhine, including reforming the 1982 Citizenship Law.

ANALYSIS

Myanmar's security forces pose an existential threat to the Rohingya population. With violence continuing in Rakhine State and no accountability for past atrocities, it is essential that repatriation of Rohingya refugees is conducted on a strictly voluntary basis, in accordance with the 1951 Refugee Convention and the principle of non-refoulement.

The denial of access to the HRC-mandated Fact-Finding Mission and UN Special Rapporteur undermines efforts to independently investigate atrocities in Myanmar.

Unless discriminatory laws and policies are repealed or amended, the Rohingya will continue to face a risk of further atrocities. The government's refusal to end discriminatory practices has encouraged violations of the Rohingya population's fundamental human rights and reinforced the perception of them as ethnic outsiders. The 1982 Citizenship Law and the Protection of Race and Religion laws are intended to eradicate the legal right of the Rohingya to exist as a distinct ethnic group in Myanmar.

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

INTERNATIONAL RESPONSE

Since 25 August the only formal response by the UN Security Council (UNSC) to the situation in Myanmar was the adoption of a Presidential Statement on 6 November 2017. The statement called for the implementation of the recommendations of the Rakhine Commission and stressed the "primary responsibility of the Myanmar government to protect its population including through respect for the rule of law and the respect, promotion and protection of human rights."

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

On 13 February the UNSC held an open meeting and consultations on Myanmar. During the meeting the UN High Commissioner for Refugees, Filippo Grandi, warned that conditions in Myanmar were not right to allow for the safe return of refugees. While many UNSC members called for the formal involvement of UNHCR in the proposed repatriation process and the government of Sweden called upon the Council to refer the situation to the ICC, the meeting resulted in no formal outcome.

On 16 February the government of Canada announced that it was sanctioning Major General Maung Maung Soe, the military commander of Rakhine State. He was also sanctioned by the United States government in December. During September the United Kingdom announced that it was suspending ties with the Myanmar military. France similarly decided on 16 October to suspend bilateral cooperation with the military.

On 26 February the Foreign Ministers of the European Union (EU) called upon the High Representative of the EU for Foreign Affairs and Security Policy, Federica Mogherini, to propose ways to strengthen the existing arms embargo against Myanmar and sanction senior military officers deemed responsible for human rights violations.

The UN Special Adviser on the Prevention of Genocide, Adama Dieng, visited Bangladesh from 7-13 March and released a statement where he accused Myanmar's security forces of possibly committing genocide against the Rohingya.

NECESSARY ACTION

The UNSC should demand immediate access for UN representatives and independent investigators to Rakhine State, including Special Rapporteur Lee and members of the Fact-Finding Mission. The UNSC should refer the situation in Rakhine State to the ICC. The UNSC should also impose an arms embargo and targeted sanctions directed at all senior military officers with command responsibility for atrocities committed in Rakhine State, including Commander in Chief, General Min Aung Hlaing.

Individual governments and regional organizations should suspend all military aid and training programs with Myanmar's security forces. All international trade, aid and development programs in Rakhine State should be scrupulously reviewed. Myanmar's military and the local Rakhine authorities must not be allowed to profit from the expulsion of the Rohingya. The international community should insist that UNHCR be fully involved in any proposed Rohingya repatriation efforts.

The government of Myanmar must demonstrate progress toward implementation of the recommendations of the Advisory Commission on Rakhine State, including through ending the confinement of more than 120,000 Rohingya in displacement camps. The government must urgently repeal or amend all laws and regulations that systematically discriminate against the Rohingya, including the Protection of Race and Religion laws and the 1982 Citizenship Law. The government should take proximate steps towards building a more inclusive society in which the rights of all of Myanmar's diverse populations are protected, regardless of their religion or ethnicity.

MORE INFORMATION

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



500,000+
people killed

5.6 million
refugees

13.1 million in need
of humanitarian aid

SYRIA

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

BACKGROUND

Since the Syrian crisis began in 2011 the conflict between the government and opposition groups has escalated into a civil war where over 500,000 people have been killed. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of February there were 5.6 million Syrian refugees and at least 6.1 million internally displaced persons (IDPs) – the largest number of people displaced by any conflict in the world. Over 13.1 million Syrians remain in dire need of humanitarian assistance, with 3 million people in inaccessible areas, including at least 420,900 people trapped in 10 besieged communities. As of 1 March, the vast majority of these besieged civilians – an estimated 393,000 – were still in eastern Ghouta.

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

Despite UN-led political negotiations aimed at ending the civil war, as well as separate talks between the governments of Turkey, Russia and Iran, fighting between Syrian government forces and armed opposition groups has continued, most notably in the north of the country and the suburbs of Damascus. The Syrian government launched offensives against opposition-held Idlib governorate and the besieged enclave of eastern Ghouta in December 2017.

Despite that fact that both Idlib and eastern Ghouta were formally designated “de-escalation zones” in May 2017, increased shelling and airstrikes resulted in the deaths of over 500 civilians across eastern Ghouta between 19 and 24 February alone. Airstrikes have continued despite the UNSC’s 24 February demand for a 30-day cessation of hostilities across the country. An estimated 12 percent of children under five years old within eastern Ghouta are suffering from acute malnutrition due to the siege – the highest rate recorded across Syria since the start of the conflict. Overall, the Syrian Observatory for Human Rights (SOHR) documented the deaths of 1,391 civilians across Syria during February.

Clashes have also intensified in the Afrin district, where Turkish forces have militarily intervened to retake territory from the Kurdish-led militia, the People’s Protection Units. OCHA has estimated that up to 15,000 people have been displaced in the region due to fighting. The SOHR has reported at least 77 civilians killed since operations began on 20 January, including 21 children.

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

The Organization for the Prohibition of Chemical Weapons-Joint Investigative Mechanism (OPCW-JIM) determined that Syrian government forces used chlorine gas in three separate incidents between 2014 and 2015 and that ISIL was responsible for two sulfur-mustard attacks during 2015 and 2016. The OPCW-JIM’s final report determined that the Syrian air force was likely responsible for a 4 April 2017 sarin attack on the town of Khan Shaykhun, in which more than 80 people were killed. At least seven alleged chlorine gas attacks by the Syrian government have taken place in eastern Ghouta and Idlib governorate since 13 January. The use of chemical weapons is a war crime and also directly contravenes UNSC Resolution 2118.

Russia, Iran and Hezbollah militias continue to provide essential military support to the Syrian government. Since September 2015 Russian airstrikes have largely targeted opposition forces and civilian areas outside government control, despite the Russian government claiming their operations are focused on ISIL. After collecting evidence of a 13 November 2017 attack on a densely populated area in Atareb that killed at least 64 people, on 6 March the Col reported that some airstrikes by the Russian air force may amount to war crimes.

The SOHR has reported that Russian airstrikes have killed 4,726 ISIL fighters and over 6,486 civilians, including 1,595 children, as of 30 December. According to the SOHR, airstrikes by the United States-led anti-ISIL coalition have also killed at least 3,000 civilians since September 2014.

ANALYSIS

All sides in Syria remain committed to military victory and the lives of countless civilians are imperiled by the ongoing civil war. Ongoing 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.

The Syrian government, with support from its international allies, continues to utilize its military resources to retain power at all costs. The direct participation of Russian and Iranian forces in numerous attacks on civilian-populated areas, including eastern Ghouta, makes them complicit in alleged war crimes.

Saudi Arabia, Turkey and Qatar continue to provide crucial assistance to some armed opposition groups. The United States also has several thousand troops working with armed opposition groups in former ISIL-occupied territories. However, the fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. ISIL and several other armed groups pose an ongoing threat to civilians, especially those from minority religious communities.

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

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

INTERNATIONAL RESPONSE

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

Despite this, the UNSC has failed to adequately respond. Since 2013, the UNSC has passed 23 resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several of these refer to the government's responsibility to protect populations, but none have been fully implemented. Meanwhile, Russia and China have jointly vetoed six UNSC draft resolutions and Russia has independently vetoed a further five resolutions. On 16 and 17 November Russia vetoed two draft resolutions that would have renewed the mandate of the OPCW-JIM. On 19 December the UNSC renewed Resolution 2165, authorizing cross-border and cross-conflict-lines humanitarian access until January 2019.

On 21 December 2016 the UN General Assembly voted to establish an International, Impartial and Independent

Mechanism (IIIM) to assist in the investigation and prosecution of perpetrators of atrocities in Syria. The HRC has adopted 24 resolutions condemning atrocities in Syria. The latest, adopted on 5 March, calls upon all parties to the conflict in Syria to uphold their responsibility to protect the population and requests the CoI investigate the situation in eastern Ghouta.

On 18 January, in response to the escalation in violence across Idlib governorate and eastern Ghouta, the UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect released a statement emphasizing that "all the parties to the Syrian conflict, as well as the international community, have a responsibility to protect civilians from atrocity crimes."

On 24 February the UNSC unanimously adopted Resolution 2401, demanding a 30-day cessation of hostilities across Syria without delay, as well as unimpeded deliveries of humanitarian aid and the medical evacuation of injured civilians. The resolution has not been implemented.

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 should continue to demand the full implementation of Resolution 2401. The UNSC must take proximate steps to halt atrocities and help end the civil war.

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 parties to the conflict responsible for atrocities must be thoroughly investigated and the perpetrators held accountable, regardless of position or affiliation. 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.

MORE INFORMATION

- » [UNSC Resolution, S/RES/2393](#), 19 December 2017
- » [Statement by the UN Special Advisers on the Prevention of Genocide and the Responsibility to Protect, on the situation in Eastern Ghouta and Idlib, Syrian Arab Republic](#) 18 January 2018
- » [UNSC Resolution, S/RES/2401](#), 24 February 2018
- » [GCR2P Populations at Risk: Syria](#)



8.4 million people at
risk of famine

Over 1 million cases
of cholera since May

YEMEN

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

BACKGROUND

Violence between Houthi rebels, members of the General People's Congress (GPC) and various pro-government forces, as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition, have killed more than 10,000 people since March 2015. The ongoing conflict has also resulted in a humanitarian catastrophe in which at least 8.4 million people are at risk of famine.

Yemen is now the largest humanitarian crisis in the world. More than 3 million Yemenis have been forcibly displaced while an estimated 22.2 million people – over three quarters of the population – require humanitarian assistance. Since a cholera outbreak began in May 2017, over 1,067,000 cases have been reported and at least 2,259 people have died.

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

After a breakdown of the military alliance between troops loyal to former President Saleh and Houthi forces, on 2 December 2017 Saleh announced his willingness to cooperate with the Saudi/UAE-led coalition. Following intense fighting in Sana'a, Saleh was killed on 4 December. On 28 January fighting erupted in Aden between the Yemeni government's Southern Transitional Council and separatists closely aligned with the UAE, demonstrating the fracturing amongst all parties to the conflict.

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

On 4 November Houthi forces fired a ballistic missile into Saudi Arabia that was shot down outside Riyadh. In retaliation Saudi Arabia closed all sea and air ports in Yemen, intensifying its blockade of the country. Yemen imports 90 percent of its staple food supplies. On 23 November the coalition lifted the blockade for humanitarian aid, and on 20 December it announced that it would re-open the port of Hodeidah for commercial fuel imports for 30 days. The blockade has not been re-imposed on Hodeidah.

Throughout the conflict Houthi and government-allied forces have targeted civilian infrastructure, including schools and hospitals, as well as international humanitarian workers. The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has said that respect for the distinction between civilian and military targets has been "woefully inadequate" by all sides. OHCHR has reported that both sides have committed violations of IHL and violations and abuses of IHRL. Saudi Arabia has confirmed that it has used illegal cluster munitions in Yemen, while Houthi-Saleh forces have reportedly used banned anti-personnel mines.

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

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

ANALYSIS

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

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

While Saudi Arabia and the UAE remain the main forces behind the regional military coalition, Iran has provided some military

assistance to the Houthis. Civilian casualties resulting from airstrikes by the Saudi/UAE-led coalition have resulted in public pressure for the United States and United Kingdom to cease selling arms to Saudi Arabia and the UAE.

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

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

INTERNATIONAL RESPONSE

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

The UNSC imposed sanctions on former President Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC passed Resolution 2216, establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding the Houthis withdraw from all areas they had militarily seized. On 26 February 2018 the UNSC renewed sanctions for an additional year.

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 May 2017 the United States announced a potential arms deal worth almost \$110 billion, including ending the moratorium on selling precision-guided munitions. During March 2018 the United Kingdom announced a new deal to sell 48 fighter jets to Saudi Arabia.

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

On 14 February the UNSC approved the UN Secretary-General's appointment of Martin Griffiths as the new UN Special Envoy for Yemen. On 15 March the UNSC adopted a Presidential Statement calling for unhindered humanitarian and commercial access, and calling upon all parties to uphold their obligations under IHL.

NECESSARY ACTION

The dire humanitarian situation in Yemen is a direct result of the ongoing armed conflict and requires a political solution. The UNSC and regional powers need to facilitate a sustained ceasefire and ensure that parties to the conflict return to substantive peace negotiations. The UNSC should demand all parties cease attacks against civilians and ensure accountability for all alleged atrocities committed during the conflict.

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

All parties to the conflict must also ensure full and effective humanitarian access. The Saudi/UAE-led coalition must reopen all sea and air ports for crucial humanitarian supplies.

MORE INFORMATION

- » [UNSC Presidential Statement, S/PRST/2017/7](#), 15 June 2017
- » [UN HRC Resolution, A/HRC/36/L.4](#), 29 September 2017
- » [GCR2P Populations at Risk: Yemen](#)



3,438 civilians killed
during 2017

AFGHANISTAN

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

BACKGROUND

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

UNAMA's annual report documented the deaths of 3,438 civilians throughout 2017. Attacks by the Taliban and other anti-government forces remain the leading cause of casualties,

but other parties to the conflict also continue to use mortars, rockets and other heavy weapons in civilian-populated areas. On 27 January 103 people were killed when the Taliban drove an ambulance full of explosives into a crowded street in Kabul. This was the largest terrorist attack in Kabul since more than 150 people were killed in a truck bomb attack on 31 May 2017.

On 28 February Afghan President Ashraf Ghani proposed a framework for peace, including a ceasefire, prisoner release, the removal of sanctions and recognition of the Taliban as a legitimate political party. In exchange, President Ghani called upon the Taliban to recognize the government of Afghanistan and respect the rule of law. The Taliban has failed to respond.

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

During 2016 the ICC reported that the Taliban has potentially committed crimes against humanity and war crimes, particularly against civilians perceived to be supporting the Afghan government and foreign forces opposed to Taliban rule. According to the ICC, Afghan security forces and members of the United States military may have also committed war crimes, including the torture of detainees. On 20 November 2017 the Chief Prosecutor of the ICC requested authorization to proceed with an investigation into alleged war crimes and crimes against humanity committed in Afghanistan since May 2003. On 22 February Afghanistan's new penal code came into force, incorporating the Rome Statute of the ICC regarding war crimes, crimes against humanity and genocide.

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

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

ANALYSIS

The Taliban, which ruled Afghanistan from 1996–2001, is an armed Sunni extremist movement. As the Taliban has regained territory across Afghanistan, the number of civilians at risk of possible war crimes and crimes against humanity has increased. During their 16-year war, both government forces and the Taliban have shown disregard for IHL.

The increase in indiscriminate attacks within urban areas appears to mark a shift in Taliban strategy. In addition to fighting to expand territorial control, the Taliban has escalated its attacks on civilians in an effort to undermine the government's ability to govern and provide basic security. Although government forces undertook successful measures to decrease civilian casualties during 2017, deliberate attacks by the Taliban and ISIL-K on densely populated areas and civilian infrastructure present an escalating threat.

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

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

INTERNATIONAL RESPONSE

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

UNAMA was established under UNSC Resolution 1401 of 2002 and its mandate includes monitoring human rights violations and the protection of civilians. UNAMA's current mandate expires on 17 March 2019. Since 2011 the UNSC has imposed an arms embargo and sanctions on individuals or entities who support the Taliban and its affiliates.

Following a UNSC visit to Afghanistan from 13–15 January, the Council adopted a Presidential Statement reiterating its concern over continuing threats to the security and stability of Afghanistan posed by the Taliban and other armed groups.

NECESSARY ACTION

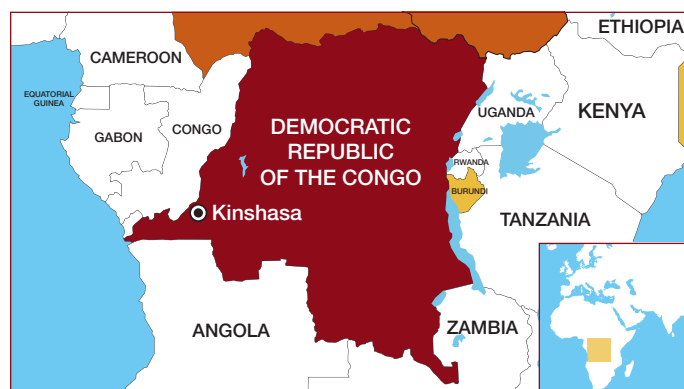
The international community should continue to provide support to the Afghan government to help combat the Taliban, ISIL-K and other armed extremist groups within the country. Increased efforts should be undertaken to ensure the safety and security of vulnerable minorities. Countering violent extremism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

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

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

MORE INFORMATION

- » [UNAMA Website](#)
- » [Special Report on Attacks Against Place of Worship, Religious Leaders and Worshippers, UNAMA, 7 November 2017](#)
- » [UNSC Presidential Statement, S/PRST/2018/2, 19 January 2018](#)
- » [UNAMA 2017 Annual Report on the Protection of Civilians in Armed Conflict in Afghanistan, February 2018](#)
- » [Populations at Risk: Afghanistan](#)



4.4 million IDPs and
650,000 refugees

Delayed 2016 elections
are now scheduled for
December 2018

DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the Democratic Republic of the Congo are facing mass atrocity crimes as a result of ongoing violence between security forces and various militias, as well as inter-communal violence.

BACKGROUND

Armed groups in the Democratic Republic of the Congo (DRC) continue to utilize instability and the weakness of state authority in various parts of the country to attack security forces and perpetrate atrocities against civilians. Despite military offensives conducted by the government's armed forces (FARDC) with assistance from the UN Mission in DRC (MONUSCO) and its force intervention brigade, attacks by armed groups and inter-communal violence continue to threaten vulnerable populations.

According to UNHCR, 4.4 million Congolese are currently internally displaced and more than 650,000 have fled to neighboring countries. Nearly half of the IDPs in the DRC were forced to flee violence during 2017. The displacement crisis and ongoing instability caused the UN to declare a "Level

3" humanitarian emergency for South Kivu and Tanganyika provinces, as well as the Kasai region, as of October 2017.

After a period of relative stability in eastern DRC, during 2017 several Mayi-Mayi militias carried out attacks on FARDC posts throughout South Kivu, resulting in more than 400,000 people being displaced between July and September. On 7 December suspected members of the Allied Democratic Forces (ADF) armed group attacked the UN's Semuliki base in the Beni region, resulting in 15 peacekeepers and 5 FARDC soldiers being killed. The FARDC launched an offensive against the ADF during January 2018.

Recent inter-communal violence in Tanganyika and Ituri provinces has also resulted in civilian casualties and displacement. Fighting between the Hema and Lendu ethnic groups erupted in Ituri province during December. Violence resulted in more than 100 people killed during February and March, and UNICEF has reported 70 villages have been burnt down. More than 40,000 people have fled into Uganda since January. On 20 February UNHCR warned that populations in Tanganyika province were also facing atrocities and mass displacement as a result of inter-communal violence between the Luba, Twa and other ethnic groups, with reports of torture, murder, abduction, arbitrary arrests, forced labor and rape.

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

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

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

Despite a government ban on demonstrations, since 31 December Catholic organizations and opposition groups have held peaceful protests to pressure the government to uphold the CENCO agreement and to hold elections during 2018. At least twelve civilians have been killed by security forces during the demonstrations.

ANALYSIS

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

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

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

Although the government has routinely failed to hold those who perpetrate atrocities in the DRC accountable, on 13 December 11 men from the "Army of Jesus" militia and their leader, Frederic Batumike, were convicted of crimes against humanity for committing mass rape and murder in Kavumu, South Kivu, from 2013-2016.

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

INTERNATIONAL RESPONSE

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

On 22 November the guarantors of the Peace, Security and Cooperation (PSC) Framework for the DRC – including the UN, African Union (AU), International Conference for the Great Lakes Region and the Southern African Development Community – reviewed the status of election preparations in the DRC. The group issued a joint statement welcoming the setting of the

new date for elections and urging the government to fulfill its responsibilities under the CENCO agreement. On 8 December the UNSC adopted a resolution reaffirming its support for the PSC Framework and calling upon the government to "vigorously" pursue neutralization of armed groups operating in the eastern DRC.

The UNSC currently subjects 13 entities and 31 individuals to sanctions. Several governments and regional organizations, including the United States and EU, have also imposed sanctions on senior government officials who have impeded the election process or have enabled attacks on peaceful demonstrators. On 22 February Switzerland imposed asset freezes and travel bans on 14 allies of President Kabila.

NECESSARY ACTION

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

The government should fully cooperate with the HRC-mandated international team of experts, provide access to all relevant sites and establish a credible domestic investigative mechanism. If the government fails to fulfill its promises in this regard, the UNSC should be prepared to act to ensure accountability and potentially refer the situation to the ICC.

The government must urgently address allegations of the security forces using disproportionate and deadly force against peaceful protesters and ensure accountability for the unlawful killing of civilians. The government must take meaningful steps towards holding the December 2018 elections and ensuring a timely and peaceful transition of power in the DRC.

MORE INFORMATION

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

IMMINENT RISK

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



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

SOUTH SUDAN

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

BACKGROUND

Despite President Salva Kiir and opposition leader Riek Machar formally ending the country's 2013–2015 civil war by signing the “Agreement on the Resolution of the Conflict in the Republic of South Sudan” (ARCSS), fighting between the Sudan People's Liberation Army (SPLA) and SPLA in Opposition (SPLA-IO) continues. The Intergovernmental Authority on Development (IGAD) launched the first round of a High-Level Revitalization Forum (HLRF) during 2017, resulting in a new cessation of hostilities agreement.

Violations of the new agreement occurred just hours after it went into effect on 24 December. During the following weeks ceasefire violations were reported in Unity, Central Equatoria and Eastern Equatoria states. The second round of the HLRF, between 5–16 February, failed to produce the envisioned Declaration of Principles due to disagreements regarding security arrangements and accountability for those who violate the ARCSS. The HLRF will reconvene during late March.

The launch of the HLRF was partially prompted by fighting between the SPLA, SPLA-IO and various other armed groups throughout 2017, with clashes in the Equatorias, as well as Unity and Jonglei states, resulting in widespread civilian displacement. Tensions between various ethnic groups also increased as a result of territorial disputes and cattle raids, with over 210 people killed in Jonglei state during November and December. In response, the government declared a state of emergency in several states.

Since December 2013 an estimated 4 million South Sudanese have been forced to flee their homes due to conflict between the SPLA and SPLA-IO, with 2 million refugees spread across neighboring countries.

The UN Food and Agriculture Organization declared on 26 February that the country is again at risk of famine. The government has also been accused of intentionally denying aid to civilians in rebel-held areas. According to OCHA, 5.1 million people are severely food insecure and 1.1 million children are acutely malnourished. South Sudan is also the deadliest country in the world for humanitarian workers, with more than 95 killed since December 2013, 28 of whom were killed during 2017.

Despite the ARCSS, serious fighting between the SPLA and SPLA-IO initially reignited in Juba during July 2016. In response, on 12 August the UNSC adopted Resolution 2304, authorizing the deployment of a 4,000-strong Regional Protection Force (RPF) to support the UN Mission in South Sudan (UNMISS). After multiple delays imposed by the government, RPF troops started arriving in South Sudan during April 2017.

The ARCSS called for a permanent ceasefire, as well as the establishment of an independent Hybrid Court for South Sudan to investigate atrocities committed during the conflict. Between 2013–2015 at least 50,000 people were killed as parties to the civil war perpetrated war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence, with both sides targeting civilians as part of their military tactics. The government has repeatedly delayed the formation of the Hybrid Court. During December South Sudan's Council of Ministers and the AU specified the jurisdiction of the Court, but the Memorandum of Understanding has not been signed. The government also launched a “National Dialogue” during 2017.

ANALYSIS

Political instability and armed violence have been pervasive in South Sudan for the majority of its almost seven years of independence. During the current dry season the potential for widespread fighting leaves civilians at imminent risk of further mass atrocity crimes, despite the best efforts of the HLRF.

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

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

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

INTERNATIONAL RESPONSE

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

On 23 December 2016 the UNSC failed to adopt a resolution authorizing an arms embargo and further targeted sanctions when eight members of the Council abstained from voting.

Since December 2016 UNMISS' mandate has included authorization to monitor, investigate and report on incidents of hate speech and incitement to violence in cooperation with the UN Office on Genocide Prevention and the Responsibility to Protect.

On 20 March 2017 the HRC adopted a resolution extending the mandate of the Commission on Human Rights in South Sudan for an additional year and authorizing it to preserve evidence and clarify responsibility for alleged gross violations and abuses of human rights. The resolution also emphasized that, "the Government of South Sudan has the primary responsibility to protect all populations in the country." On 23 February the Commission reported evidence against 41 senior officials who bear individual responsibility for war crimes and crimes against humanity allegedly committed during 2016 and 2017.

On 14 December the UNSC issued a Presidential Statement in support of the HLRF and warned that there would be a "cost and consequence for those who violate the agreement." The IGAD Council of Ministers issued a Communiqué on 27 January saying that it will take all necessary measures, including targeted sanctions, against violators and spoilers of the 24 December 2017 agreement. On 28 January the Chair of the AU Commission, Moussa Faki Mahamat, said, "the time has come" for sanctions against those who obstruct peace in South Sudan.

On 2 February the United States announced a unilateral arms embargo against South Sudan. On the same day, the EU added two government officials and one former government official to the EU sanctions list.

NECESSARY ACTION

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

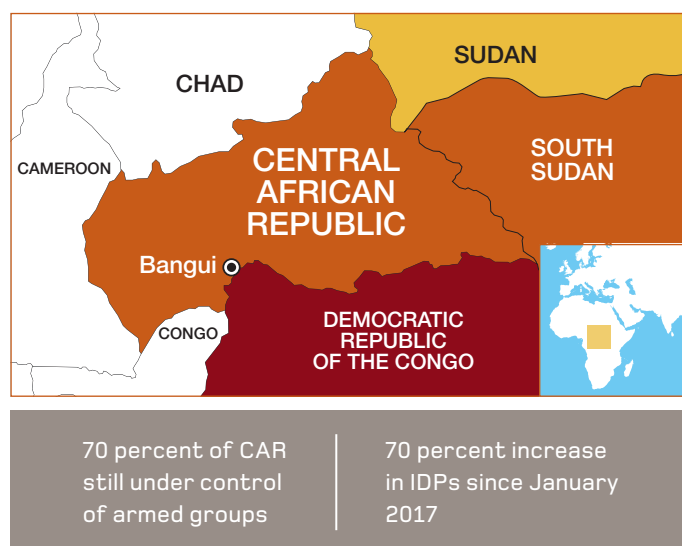
In support of the HLRF, the UNSC and IGAD should immediately impose an arms embargo on South Sudan. The UNSC should also

expand targeted sanctions against all senior military officers and politicians implicated in atrocities and/or violating the agreed cessation of hostilities.

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

MORE INFORMATION:

- » [UNMISS Website](#)
- » [UNSC Resolution, S/RES/2392](#), 14 December 2017
- » [GCR2P Populations at Risk: South Sudan](#)



CENTRAL AFRICAN REPUBLIC

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

BACKGROUND

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

Most armed fighters belong to either the predominantly Christian anti-balaka, including affiliated "self defense groups," or are members of groups loosely affiliated to the ex-Séléka rebel alliance. The escalation of violence has particularly affected the northwest, where fighting between the Revolution and Justice armed group and the ex-Séléka Movement for the Liberation of the CAR People has resulted in the displacement of more than 80,000 civilians in Ouham-Pendé since December 2017. Activity by the Front Populaire pour la Renaissance de Centrafrique also continues to fuel instability in northeast CAR.

The humanitarian and human rights situation has also worsened in the southeast, where armed clashes continue between so-called self-defense groups and the ex-Séléka Union pour la Paix en Centrafrique. The Panel of Experts on CAR has reported that hate speech and incitement to ethnic and religious-based violence has reached unprecedented levels and warned that some anti-balaka affiliated groups are carrying out targeted attacks against the local Muslim population. Pervasive insecurity has also created a safe haven for the Lord's Resistance Army (LRA).

Direct attacks by armed groups have also resulted in the death of 16 UN peacekeepers and 20 humanitarian workers since the beginning of 2017. Several humanitarian agencies have suspended their work and relocated from highly insecure areas, leaving more than 110,000 civilians without life-saving assistance.

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

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

The number of IDPs has increased by 70 percent since the beginning of 2017 and is now at the highest level recorded in CAR. More than a quarter of the country's population has fled their homes, with almost 690,000 Central Africans internally displaced and more than 545,000 taking refuge in neighboring countries.

ANALYSIS

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

Despite the establishment of the Special Criminal Court for CAR, a hybrid judicial mechanism which was created in 2015 to prosecute those responsible for mass atrocity crimes, the

Court is not yet fully operational and perpetrators have not been held accountable.

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

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

INTERNATIONAL RESPONSE

The UNSC has passed 11 resolutions since October 2013 that emphasize the government's responsibility to protect all populations in CAR, including Resolution 2399, which extended the sanctions regime that has been in place since 2013. The resolution authorized the imposition of travel bans and asset freezes on those who incite ethnic or religious violence.

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

NECESSARY ACTION

MINUSCA should improve its operational ability to rapidly respond to emerging threats. The additional 900 peacekeepers must be deployed as soon as possible to strengthen the mission's civilian protection mandate. MINUSCA should also continue to focus on local reconciliation efforts in high-risk areas.

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

The international community must enable the government to uphold its protective responsibilities and restore state authority, including through supporting ongoing structural reforms of the justice and security sectors and ending incitement of ethnic and religious-based violence.

MORE INFORMATION

- » [MINUSCA Website](#)
- » [UNSC Resolution, S/RES/2387](#), 15 November 2017
- » [UNSC Resolution, S/RES/2399](#), 30 January 2018
- » [GCR2P Populations at Risk: Central African Republic](#)

SERIOUS CONCERN

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



ISIL no longer controls any territory in Iraq

8.7 million Iraqis still require humanitarian assistance

IRAQ

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

BACKGROUND

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

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

UNAMI and OHCHR have reported that ISIL's past violations, "may amount to war crimes, crimes against humanity and possibly genocide." OHCHR and UNAMI have reported that at least 94 mass graves have been found in formerly ISIL-held territory since June 2014. On 12 November the ISF reported the discovery of a mass grave near Hawija which contains up to 400 bodies of civilians and security personnel.

Despite their overall military defeat, ISIL fighters continue to pose a threat to vulnerable ethnic and religious minorities, including Christians, Shabak, Yazidis and Turkmen. ISIL also continues to target civilians from the majority Shia population in sectarian terrorist attacks.

The UN Col on Syria has also reported that ISIL "has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis" in Iraq. It is estimated that at least 6,450 Yazidi men, women and children are missing.

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

OHCHR has expressed concern at reports of forced evictions and killings committed by Iraqi and Kurdish security forces and affiliated militias against Sunni communities in parts of Iraq that have been reclaimed from ISIL. Since Mosul was retaken during July, there have been reports of torture, extrajudicial killings and other reprisals against suspected ISIL members and their families. Additionally, UNAMI has expressed concerns regarding the mass hanging of 42 ISIL prisoners on 25 September and 38 prisoners on 14 December. On 9 February Human Rights Watch reported that Kurdish Regional Government (KRG) security forces had carried out extrajudicial executions of alleged ISIL members between 28 August and 3 September 2017.

OCHA estimates that as of March 8.7 million people in Iraq – one third of the population – were still in need of humanitarian assistance, with 2.6 million people still internally displaced.

ANALYSIS

Despite losing all its territory within Iraq during 2017, ISIL still poses a threat to the country's ethnic and religious minorities, as well as members of the majority Shia community.

Having jointly defeated ISIL, conflict between the KRG and the central government in Baghdad poses a threat to the safety and security of vulnerable civilians. Some Shia militias deployed by the government as "Popular Mobilization Forces" to fight ISIL now threaten the stability and cohesion of the country. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq. The Iraqi and Kurdish governments must take active steps to facilitate reconciliation and minimize the risk of recurring armed conflict, especially in advance of parliamentary elections scheduled for 12 May.

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

INTERNATIONAL RESPONSE

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

On 21 September UNSC Resolution 2379 authorized the establishment of an Investigative Team to support domestic accountability efforts by collecting evidence regarding potential atrocities committed by ISIL in Iraq. The Terms of Reference of the Investigative Team were approved by the UNSC on 13 February. The team will consist of both international and domestic experts.

NECESSARY ACTION

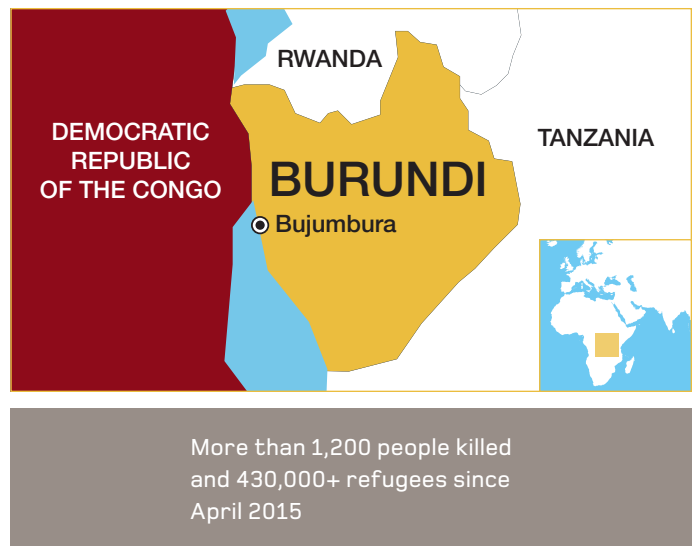
While continuing to battle ISIL and other armed extremist groups, it is essential that the Iraqi government protects all civilians and addresses the underlying sources of conflict between Sunnis, Shias, Kurds and other minorities within Iraq. The government of Iraq and the KRG should actively prevent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

All relevant authorities should actively prevent reprisals against Sunni civilians in areas recaptured from ISIL. The Iraqi government should take steps to demobilize and reintegrate members of the Popular Mobilization Forces, and accelerate security sector reform.

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

MORE INFORMATION

- » [UNAMI Website](#)
- » [UNSC Resolution, S/RES/2379](#), 21 September 2017
- » [GCR2P Populations at Risk: Iraq](#)



BURUNDI

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

BACKGROUND

Ongoing violations and abuses of human rights leave populations in Burundi at risk of mass atrocity crimes. The HRC-mandated Col on Burundi has found that potential crimes against humanity may have been committed in the country since April 2015, including arbitrary arrest and detention, torture, extrajudicial killings, enforced disappearances and rape.

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

More than 1,200 people have been killed in politically-inspired violence since April 2015 and more than 10,000 Burundians have been arbitrarily detained. An estimated 430,000 Burundian refugees remain in neighboring countries and almost 200,000 Burundians have been internally displaced.

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

The constitution, based on the Arusha Peace Agreement, currently restricts presidential term limits and sets ethnic quotas for state institutions. On 24 October the Burundian government approved draft changes to the constitution, which would allow President Nkurunziza to run for office for another

two seven-year terms and would provide an opportunity to abolish ethnic quotas within the government. A referendum on the draft constitution is scheduled for May 2018.

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

ANALYSIS

Recurring political and ethnic conflict have previously resulted in mass atrocity crimes in Burundi. Large-scale human rights violations, including enforced disappearances, torture, rape, arbitrary deprivation and extrajudicial killings have contributed to a climate of fear. The government has severely limited the space for civil society organizations, independent media and political opposition groups.

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

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

INTERNATIONAL RESPONSE

On 18 October 2016 President Nkurunziza initiated Burundi's withdrawal from the Rome Statute, which came into effect during October 2017. The ICC opened an investigation into crimes committed in Burundi from April 2015 until 26 October 2017.

On 29 July 2016 the UNSC passed Resolution 2303, authorizing UN police to monitor the security and human rights situation.

The government of Burundi refused to accept the monitors. One year later the UNSC adopted a Presidential Statement expressing the Council's intention to pursue targeted measures against those who threaten the peace and security of Burundi. There has been no subsequent diplomatic action.

On 30 September 2016 the HRC created the Col to investigate human rights violations and abuses in Burundi. On 29 September 2017 the HRC extended the mandate of the Col for another year, despite the refusal of the government to allow the Commissioners to enter Burundi. On 28 September the HRC also adopted a Burundi government-supported resolution requesting OHCHR to dispatch a team of three experts to support the judicial authorities of Burundi to collect information and ensure accountability for violations of human rights.

NECESSARY ACTION

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

The government should engage constructively with the political dialogue and mediation efforts led by the EAC and collaborate with the UNSC, OHCHR and HRC. The Col should be permitted to enter Burundi to conduct its mandated investigation. The UNSC should impose targeted sanctions against all those who continue to threaten peace and security in Burundi, including the list of suspected perpetrators of crimes against humanity supplied by the Col.

MORE INFORMATION

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



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