

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.

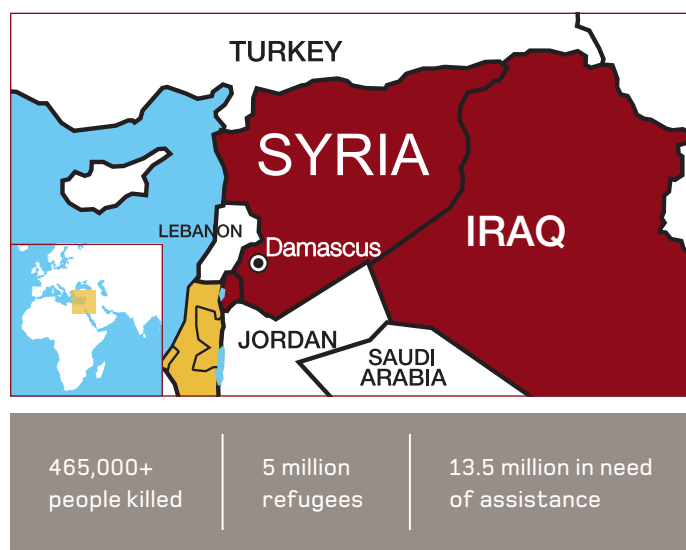
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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



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

Intense fighting between government forces and armed opposition groups across Syria continued throughout March and April. Over 68,300 people were displaced by fighting during April alone, and the Syrian Observatory for Human Rights (SOHR) documented the deaths of 938 civilians, including 291 children. On 4 April at least 92 people, including 28 children, were killed in a chemical weapons attack on the opposition-held town of Khan Shaykhun in Idlib province. This was the deadliest chemical weapons attack since the August 2013 attack on Eastern Ghouta that killed more than 1,000 people. On 19 April the Organization for the Prohibition of Chemical Weapons (OPCW) reported that preliminary results indicate the victims were exposed to sarin or a sarin-like substance.

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 April 2017 there were 5 million Syrian refugees and at least 6.3 million internally displaced persons (IDPs) - the largest number of people displaced by any conflict in the world. Over 13.5 million Syrians remain in dire need of humanitarian assistance, with 4.6 million in inaccessible areas. Over 620,000 people continue to be trapped in 11 besieged locations across the country.

For five years the UN Human Rights Council-mandated Commission of Inquiry (CoI) has consistently reported that government forces have committed war crimes and crimes against humanity as a matter of state policy. The most recent

CoI report determined that between July and December 2016, Syrian and Russian forces deliberately targeted civilians and civilian infrastructure in air strikes. The CoI labeled the evacuation of civilians from formerly opposition-held eastern Aleppo as "a policy of forced displacement" and named the Syrian Air Force as being responsible for the 19 September deadly attack on a humanitarian convoy in the town of Urum al-Kubra.

Despite heavy fighting, government forces and some armed opposition groups also continue to agree to localized ceasefires. During April an agreement was reached regarding the four besieged towns of Foah, Kefraya, Madaya and Zabadani. The residents of the towns of Foah and Kefraya were evacuated in return for safe passage for residents from the opposition-held towns of Madaya and Zabadani. On 15 April civilians being evacuated from Foah and Kefraya were attacked with a car bomb, killing 125 people, including 67 children. No one has claimed responsibility for the attack. An evacuation from the Al-Waer neighborhood of Homs took place on 24 April.

Humanitarian access has deteriorated since the start of 2017 as government forces routinely obstruct the delivery of cross-border humanitarian aid. Attacks against health facilities have also continued, with the Syrian American Medical Society reporting 24 attacks on healthcare facilities during April.

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. According to the UN High Commissioner for Refugees (UNHCR), over 400,000 civilians are at risk due to ongoing military operations against ISIL's self-proclaimed capital of Ar-Raqqah. According to the SOHR, ISIL killed at least 3,700 civilians in Syria between June 2014 and March 2017.

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

Following the Khan Shaykhun attack, the United States carried out a unilateral strike on Al Shayrat airfield in Homs governorate. The declared intention was to reduce the Syrian government's ability to deliver chemical weapons and marked the first time the United States has taken direct military action against Syrian government forces.

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 1,256 civilians between September 2014 and April 2017. 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. The SOHR reported that Russian airstrikes had killed 3,315 ISIL fighters and 5,013 civilians, including 1,201 children, as of 30 March 2017.

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

ANALYSIS

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

The Syrian government, with support from its international allies, continues to utilize its military resources to retain power at all costs. Since late 2015, 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.

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

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

INTERNATIONAL RESPONSE

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

Despite this, the UNSC has failed to adequately respond to the conflict. Since 2013, the UNSC has passed resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several of these resolutions refer to the government's responsibility to protect populations, but none have been fully implemented. Meanwhile, Russia and China have jointly vetoed six UNSC draft resolutions and Russia has independently vetoed a further two resolutions, most recently on 12 April. The vetoed resolution would have condemned the Khan Shaykhun attack and obligated the Syrian government to comply with recommendations of the OPCW-JIM.

On 21 December the UN General Assembly voted to establish an International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of perpetrators of atrocities in Syria. UN Secretary-General António Guterres submitted the IIIM's terms of reference during January.

The UN hosted another round of intra-Syrian talks in Geneva from 23-31 March. The Special Envoy announced talks would reconvene on 16 May. On 4-5 April a high-level donor conference took place in Brussels, with 41 donors pledging US\$6 billion for 2017 to support humanitarian assistance in Syria and the region.

During parallel peace talks in Astana, Kazakhstan, on 4 May, the governments of Russia, Iran and Turkey signed a memorandum on the creation of "de-escalation zones" in Idlib, Homs, Deraa, and Al-Quneitra provinces and in eastern Ghouta. The three governments also agreed to form a joint working-group to resolve operational issues for implementation of the memorandum. On 8 May the Syrian Foreign Minister announced that his government would not accept a role for the UN or other international forces to monitor the agreement.

NECESSARY ACTION

In keeping with various UNSC resolutions, Syrian government forces, armed opposition groups and all international parties to the conflict must facilitate unimpeded humanitarian access to all civilians trapped or displaced by fighting. The UNSC must take proximate steps to halt atrocities and end the civil war. Neutral humanitarian corridors should be urgently established for besieged civilian populations. The UNSC should demand UN access to monitor any voluntary evacuations and ensure the well being of civilians. The UNSC previously demanded such access for UN monitors to eastern Aleppo via Resolution 2328.

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

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

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

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](#)



414,000 people displaced
from western Mosul

11 million Iraqis in
need of assistance

IRAQ

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

BACKGROUND

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.

On 23 January the Iraqi government announced the recapture of eastern Mosul, and on 19 February it began an offensive to retake western Mosul. On 25 April a senior ISF commander reported that ISIL had been driven out of the al-Tanek neighborhood, the largest in western Mosul. Although the ISF now control 70 percent of western Mosul, UN agencies and humanitarian organizations continue to raise grave concerns regarding civilians trapped in ISIL-occupied neighborhoods.

According to OCHA over 414,000 people have been displaced from western Mosul, and up to 7,500 people flee the city each day. On 25 March UNHCR reported that the ISF temporarily paused military operations in western Mosul due to a sharp increase in civilian casualties, but fighting resumed on 26 March.

Since the start of the Mosul offensive, the UN has received credible reports of ISIL perpetrating mass killings and forcibly displacing civilians. ISIL has also used civilians as human shields. According to the UN Office of the High Commissioner for Human Rights (OHCHR), on 20 March ISIL militants allegedly forced 38 families to leave their homes in the Bab al-Beth neighborhood and used them to shield their fighters as they relocated to western Mosul.

A United States-led coalition has been conducting airstrikes against ISIL in Iraq since August 2014, following the Iraqi government's request for assistance after the group seized the northern town of Sinjar. On 17 March up to 200 civilians may have been killed in an airstrike in the al-Jadidah district of Mosul. A senior United States commander in Iraq subsequently conceded that a United States airstrike was likely responsible for some of these deaths.

The ISF and Kurdish Peshmerga forces have discovered at least five mass graves in towns near Mosul. Three of the mass graves were discovered in Hammam al-Alil and likely contain the bodies of hundreds of missing Iraqi police officers. Peshmerga discovered two other mass graves of members of the Yazidi community near the Shababit junction in northwestern Iraq. On 22 March Human Rights Watch reported that ISIL had executed and dumped the bodies of unknown numbers of ISF members in a sinkhole near Mosul. 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 317 civilians were killed in acts of terrorism, violence and armed conflict during April. Given access constraints, UNAMI states that these figures "have to be considered as the absolute minimum." OCHA estimates that as of April 2017, 11 million people in Iraq – one third of the population – are in need of humanitarian assistance, with 3.1 million people internally displaced.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minorities, including Christians, Shabak, Yazidis and Turkmen, causing their mass displacement. UNAMI and OHCHR have reported that ISIL's violations, "may amount to war crimes, crimes against humanity and possibly genocide." The Commission of Inquiry on Syria has also reported that ISIL "has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis" in Iraq. On 30 April OCHA reported that 36 Yazidi were rescued from slavery, having been held captive by ISIL for nearly three years. It is estimated that up to 1,500 Yazidi women and girls remain enslaved by ISIL.

ISIL also routinely targets civilians from the majority Shia population in sectarian attacks. On 20 March at least 20 people were killed in a bombing that targeted the largely Shia neighborhood of Amil in Baghdad.

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 2 February UNHCR reported that at least 116 families had been forcibly 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 to target those who attempt to flee. As the territory controlled by ISIL shrinks they will also likely increase terrorist attacks across Iraq. It remains essential that all parties combatting ISIL ensure the protection of civilians and uphold their obligations under international law.

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

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 against ongoing ISIL attacks.

While confronting ISIL and other armed groups, it is essential that the Iraqi government protects all civilians and addresses the underlying sources of conflict between Sunnis, Shias and Kurds. The government of Iraq and the Kurdistan Regional Government must strictly uphold their obligations under IHL. Iraq’s international supporters must ensure that all parties participating in the 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 and preserve evidence regarding 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](#)



4,700+ civilians killed

3.1 million people
displaced by violence

YEMEN

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

BACKGROUND

Despite several temporary ceasefire agreements and intermittent UN-brokered peace talks between the government and Houthi rebels, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. The 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. According to OCHA, the vast majority of Al Mokha's population fled the town during the fighting. On 10 February OHCHR reported that both sides continue commit violations of IHL and violations and abuses of IHRL.

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 being killed, including over 4,700 civilians, since March 2015. According to the UN Children's Fund (UNICEF), this includes 1,300 children killed. 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. During March UNICEF 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 percent 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. Additionally, on 20 April Human Rights Watch reported that Houthi-Saleh forces have used banned antipersonnel landmines, hindering the return of displaced civilians.

On 27 March UNICEF reported that over 1,500 child soldiers were recruited during 2016 and called for their immediate release. The actual number of child soldiers is likely to be much higher, as most families do not report their recruitment for fear of reprisals. The use of children in armed conflict is a war crime.

The UN and Gulf Cooperation Council (GCC) have made numerous attempts to broker peace between parties to the conflict, but talks have been suspended since 6 August 2016. 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. On 26 April Special Envoy Ahmed said he hoped to begin a new round of talks before Ramadan commences at the end of May.

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

ANALYSIS

Various parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. Failure to abide by temporary ceasefires and attempts by the Houthis to subvert the political transition are in violation of various UNSC resolutions. The ongoing conflict has resulted in a humanitarian catastrophe. The UN Under-Secretary-General for Humanitarian Affairs, Stephen O'Brien, has asserted "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 publicly called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have resulted in public pressure for the United States and United Kingdom to cease selling arms to Saudi Arabia.

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

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

INTERNATIONAL RESPONSE

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

The UNSC imposed sanctions on former President Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC passed Resolution 2216, establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding the Houthis withdraw from all areas 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 Yemen, it would halt some arms sales to Saudi Arabia.

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

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. UN member states should also immediately halt the sale of weapons to parties to the conflict who have been implicated in atrocities. All parties must uphold their responsibility to protect vulnerable populations regardless of their tribal, religious or political affiliations.

All parties to the conflict must respect agreed ceasefires in order to ensure humanitarian access to vulnerable civilians. The UNSC and regional powers need to facilitate a sustained

ceasefire and ensure that parties to the conflict return to substantive peace negotiations. The UN Human Rights Council should establish an international commission of inquiry to investigate serious violations of IHL and violations and abuses of IHL 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](#)



2.6 million IDPs
in Darfur

285,000+ people have
fled to South Sudan
and Ethiopia

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 nearly six years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in hostilities in South Kordofan and Blue Nile states. OCHA estimates that there are as many as 700,000 IDPs spread across government and SPLM-N controlled territory in the two states, while more than 285,000 people 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. During April Conflict Armament Research reported that the government of Sudan may have violated the UN arms embargo by buying weapons from Iran. The SPLM-N has

also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

During 2016 the African Union (AU) High Level Implementation Panel (AUHIP) for Sudan proposed a Roadmap agreement to help end the conflicts in Darfur, South Kordofan and Blue Nile. The Sudanese government signed the agreement during March 2016 and during 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.

Civilians in Darfur continue to face 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 2.1 million people are now displaced in Darfur. On 3 May 2017 the Sudan Liberation Army-Minni Minnawi and the Justice and Equality Movement (JEM) extended their unilateral ceasefire for an additional six months.

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

ANALYSIS

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

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

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

crimes, while restrictions on UNAMID's freedom of movement contravene the Status of Forces Agreement between the UN 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 at least 56 resolutions on Sudan since 2004, most of which have not been fully implemented. The response of the international community to mass atrocities in South Kordofan and Blue Nile has been grossly inadequate.

Following a UNSC referral, in June 2005 the ICC opened an investigation into the situation in Darfur. Between 2007 and 2014 the ICC issued arrest warrants for three Sudanese government officials, including multiple warrants for President Omar al-Bashir on charges of war crimes, crimes against humanity and genocide. The ICC also issued arrest warrants for one pro-government and two anti-government militia leaders. None of the indictees have been surrendered to the Court and the Chief Prosecutor of the ICC has repeatedly criticized the UNSC for failing to meaningfully assist in their arrest.

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 violations and abuses of human rights must be held accountable and that the government of Sudan "bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes."

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

NECESSARY ACTION

After more than 10 years and 56 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.

States parties to the Rome Statute of the ICC should deny President Bashir entry to their country or should comply with ICC warrants and arrest him.

MORE INFORMATION

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



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

MYANMAR (BURMA)

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

BACKGROUND

Following a series of attacks on border guard posts by armed militants on 9 October 2016, the Myanmar authorities launched a joint army-police counter-insurgency operation in northern Rakhine state. During the four-month operation there were reports of mass arrests, torture, enforced disappearance, rape and other forms of sexual violence, forcible removal, extrajudicial killings, as well as widespread destruction of Rohingya homes and mosques. On 3 February OHCHR released a report detailing “widespread and systematic” attacks against the Rohingya, which may amount to crimes against humanity. According to OCHA, humanitarian access remains severely restricted in northern Rakhine state despite the termination of the counter-insurgency operation during February.

On 24 March the UN Human Rights Council adopted a resolution mandating “an independent international fact-finding mission”

into allegations of human rights violations and abuses by the security forces in Myanmar, particularly in Rakhine state. The Myanmar government disassociated itself from the resolution and State Counsellor Aung San Suu Kyi said on 2 May that the government “will not accept” the mission. The government has previously established domestic commissions that have denied that the security forces committed human rights violations and have been discredited by international observers for their lack of independence and impartiality.

According to UNHCR, there are 120,000 internally displaced Rohingya in Myanmar. On 11 April Myanmar’s National Security Advisor, Thaung Tun, announced that the government would begin to close down some displacement camps. On 25 April UNHCR criticized the government’s plan to relocate displaced persons to so-called “model villages,” instead of allowing them to voluntarily return to their communities.

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. UNHCR has reported there are at least 420,000 Rohingya refugees in neighboring countries.

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

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

On 15 March the Advisory Commission on Rakhine State, which was established by the government in August 2016 to “identify the factors that have resulted in violence, displacement and underdevelopment,” and is led by former UN Secretary-General Kofi Annan, issued an interim report with 12 recommendations. These include that the Myanmar government allow humanitarian organizations and the media unhindered access to Rakhine state, prepare a comprehensive strategy for closing all displacement camps, provide human rights training for the security forces, and address the issue of Rohingya statelessness.

Despite the previous government signing ceasefire agreements with several ethnic armed groups, conflict also continues in other parts of Myanmar. Ongoing fighting between Myanmar’s

military forces and ethnic armed groups in Kachin and Shan states has displaced estimated 98,000 people according to OCHA.

ANALYSIS

The previous government's refusal to end discriminatory state policies regarding the Rohingya encouraged violations of their fundamental human rights and reinforced the dangerous perception of them as ethnic outsiders. The Protection of Race and Religion bills were intended to eradicate the Rohingya's legal right to exist as a distinct ethnic group in Myanmar. The National League for Democracy (NLD) government has yet to take significant steps towards repealing discriminatory laws and ending anti-Rohingya policies. Counsellor Aung San Suu Kyi's refusal to accept the Human Rights Council-mandated fact-finding mission is a further setback regarding accountability for systematic violations and abuses of human rights.

More than a year after the NLD formed the country's first civilian government in half a century, democracy in Myanmar still faces many challenges. The government is unable to control the security forces, which continue to pose a threat to vulnerable civilians and have not held them accountable for previous mass atrocity crimes. Moreover, the authorities continue to disregard credible allegations regarding atrocities committed against the Rohingya, leaving populations in Rakhine state at risk of further crimes.

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

INTERNATIONAL RESPONSE

Following decades of military dictatorship, democratic reforms have contributed to rapprochement between Myanmar and the international community, including the lifting of sanctions. Citing progress on human rights by the NLD government, the EU announced on 16 September that it would not be submitting a UN General Assembly resolution on Myanmar for the first time since 1991, resulting in the closure of the office of the Special Adviser of the UN Secretary-General on Myanmar.

From 9-20 January the UN Special Rapporteur for the human rights situation in Myanmar, Yanghee Lee, conducted an official visit to Myanmar. Special Rapporteur Lee noted allegations of ongoing human rights abuses and widespread fear amongst civilians. Special Rapporteur Lee also visited Bangladesh from 20-23 February and met with Rohingya asylum seekers.

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."

At the Association of Southeast Asian Nations Summit held in the Philippines on 29 April, Indonesian President Joko Widodo conveyed to State Counsellor Aung San Suu Kyi his grave concern regarding the Rohingya crisis.

NECESSARY ACTION

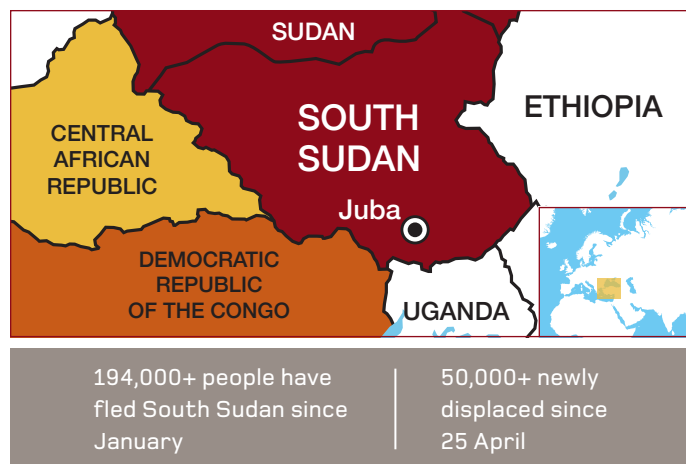
States with significant political and economic ties to Myanmar should put diplomatic pressure on the government to accept the Human Rights Council-mandated fact-finding mission.

The Myanmar government should facilitate the safe, voluntary return of Rohingya IDPs and refugees to their communities and reconsider the proposed relocation of IDPs to so-called "model villages." The government should allow humanitarian and human rights organizations unhindered access to populations in Rakhine state. Countries that receive Rohingya asylum seekers should offer them protection and assistance.

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 should take immediate action to halt hate speech against the Rohingya and other minorities and take proximate steps to build a more inclusive society.

MORE INFORMATION

- » [Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016](#), 3 February 2017
- » [Human Rights Council resolution on the situation of human rights in Myanmar, A/HRC/34/L.8/Rev.1](#), 24 March 2017
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)



SOUTH SUDAN

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

BACKGROUND

Renewed fighting between elements of the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO), as well as other rebel militias, continues throughout South Sudan. On 8 April government forces allegedly killed 17 civilians in the town of Pajok. On 10 April a government-aligned Dinka militia targeted members of the local Lou and Fertit ethnic groups in Wau, killing at least 16 people. Additional fighting in Raga on 15 April between government forces and rebel groups resulted in at least 14 people killed. An SPLA offensive that started on 25 April in the Upper Nile region resulted in 35,000–50,000 displaced civilians fleeing to Aburoc, according to the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein. This includes 25,000 people who fled from clashes in Kodok on 25 April.

According to the UN, civilians who have fled recent violence reported “killing of civilians, destruction of homes, sexual violence, and looting of livestock and property.” During February a confidential UN report warned that the fighting had already reached “catastrophic proportions.” Parts of South Sudan are currently experiencing famine, which the UN Humanitarian Coordinator for South Sudan has called a “man made” situation caused by the government. During April UN experts and humanitarian organizations also accused the government of intentionally denying aid to civilians in rebel-held areas. According to UNHCR, more than 194,000 people have fled to Uganda since the start of 2017.

In addition to the latest fighting, there are constant rumors of dangerous power struggles within the government of South Sudan. On 9 May President Salva Kiir fired controversial army chief Paul Malong. On 13 May seven opposition groups, including the SPLA-IO and several former government ministers, signed an agreement vowing to combine their efforts to oust President Kiir from government.

Former UN Secretary-General Ban Ki-moon warned the UNSC last December that South Sudan was on a “trajectory towards mass atrocities” and denounced a 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, similarly warned that “the risk that mass atrocities will be committed remains ever-present.”

The latest violence follows five days of intense fighting from 7–11 July 2016 between elements of the SPLA and 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 Kiir. Hundreds of people, including civilians and two UN peacekeepers, were killed during the fighting and 42,000 people were displaced. 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, also took place.

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

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.

At least 50,000 people were killed and more than 1.5 million people have fled South Sudan since December 2013. An additional 2.1 million people remain internally displaced.

ANALYSIS

Political instability and sustained violence have been pervasive in South Sudan for the majority of its almost six years of independence. The resumption of widespread fighting leaves civilians at risk of further mass atrocity crimes, particularly during the dry season when troops are able to be more mobile. UNHCR has expressed concern that displaced civilians in Upper

Nile are at imminent risk of gross human rights violations, inter-ethnic violence and further displacement.

The 2015 peace agreement was never fully implemented and the root causes of the conflict have not been addressed. The Transitional Government of National Unity, established by the peace agreement, exists in name only. A pervasive culture of impunity has fueled recurring cycles of armed violence and mass atrocities in South Sudan. The UN Panel of Experts has reported that deliberate policies by both sides of the conflict have “exacerbated the political, tribal and ethnic drivers of the war.”

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

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

INTERNATIONAL RESPONSE

During May 2016 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 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 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 20 March the UN Human Rights Council adopted a resolution extending the Commission on Human Rights' mandate for an additional year and authorizing it to preserve evidence and clarify responsibility for alleged gross violations and abuses of human rights. The resolution also recalled “that the Government of South Sudan has the primary responsibility to protect all populations in the country.”

On 23 March the UNSC issued a Presidential Statement, calling upon parties to adhere to the permanent ceasefire, enhance humanitarian access, and remove obstacles to UNMISS carrying out its mandate. During a briefing on 25 April the UNSC concluded that none of the benchmarks have been met.

NECESSARY ACTION

The government must fully implement all provisions of the August 2015 peace agreement and UNSC Resolution 2304. The government, SPLA, SPLA-IO and affiliated militias must ensure that UNMISS is able to move freely and without threats to their personnel. The inviolability of UN compounds must be respected. 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 senior military commanders deemed to be exacerbating or profiting from the ongoing conflict.

The AU should expeditiously establish the HCSS and ensure it has the resources to investigate and prosecute individuals responsible for mass atrocities committed since December 2013, including commissioning a special investigation into the July 2016 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
- » [Human Rights Council resolution on the situation of human rights in South Sudan, A/HRC/34/L.34](#), 20 March 2017
- » [GCR2P Populations at Risk: South Sudan](#)

IMMINENT RISK

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



3.7 million IDPs

40+ mass graves
discovered in Kasai
region

DEMOCRATIC REPUBLIC OF THE CONGO

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

BACKGROUND

Pervasive insecurity and violence resulting from tensions between the government in the Democratic Republic of the Congo (DRC) and a local militia following the killing of their chief, Kamuina Nsapu, has resulted in over 400 people being killed in Kasai, Kasai Central and Kasai Oriental provinces since August 2016. The UN Joint Human Rights Office in the DRC (UNJHRO) has found at least 40 mass graves in the Kasai region since January. OHCHR has noted that the Kamuina Nsapu militia has perpetrated atrocities against civilians and that the government's armed forces (FARDC) has used disproportionate force in its response. According to OCHA, of the 3.7 million current IDPs in the DRC, over 1.3 million are in the Kasai region.

On 9-13 February the army reportedly killed over 100 people, including 39 women, during clashes with the Kamuina Nsapu militia. The government has stated that it will investigate videos showing FARDC soldiers shooting men and women who allegedly belonged to a local militia in Muenza Nsapu village. Following further clashes, Kamuina Nsapu reportedly ambushed and killed 40 police officers on 24-25 March. Further fighting on 26-28 March resulted in FARDC reportedly killing at least 74 people, including 30 children. In addition, on 28 March the bodies of two murdered members of the UN's Panel of Experts were found in Kasai Central province. OCHA reported on 8 May that inter-

ethnic tensions are becoming a dominant characteristic of the conflict in the Kasai region.

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

The risk of deadly political violence as a result of ongoing tensions surrounding the postponed 2016 elections also remains high. Security forces have been accused of using excessive force during demonstrations on 19 September and 20 December – the day after President Joseph Kabila's constitutional mandate ended. UNJHRO recorded 48 civilians killed 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. Additional mediation between the government and opposition took place under the aegis of the Conference Episcopale du Congo (CENCO). On 31 December the CENCO negotiations resulted in an agreement calling for elections to be held during 2017 and for President Kabila to abstain from seeking a third term. Negotiations on implementation met several complications, resulting in CENCO withdrawing from the process. As part of the agreement, President Kabila appointed Bruno Tshibala as the new Prime Minister on 7 April and named a transitional government on 9 May, but opposition parties have rejected these decisions.

ANALYSIS

Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk of deadly violence. The government must take meaningful steps towards ensuring a timely and peaceful transition of power in the DRC, including implementation of the CENCO agreement.

Competition for control of profitable minerals, as well as underlying conflict between communities that consider themselves indigenous and those perceived as outsiders, has enabled the proliferation of armed groups in the DRC. Such groups will continue to emerge even after the eradication of the

ADF, FDLR, Kamuina Nsapu and other Mayi-Mayi militias if these issues are not resolved. Rising tensions in areas that have been relatively calm in recent years, including Kasai, is indicative of the government's inability to address the competing challenges of ending the political crisis and preventing the emergence of armed groups opposed to the rule of the central government.

The FARDC has previously been implicated in attacks on civilians, including widespread sexual violence. While the government has recently charged several FARDC soldiers with war crimes committed in the Kasai region, it has often failed to hold members of the security forces accountable for systematic human rights violations and has not adequately addressed allegations of disproportionate force during protests.

The government of the DRC has struggled to uphold its Responsibility to Protect and its own forces have been complicit in some previous mass atrocity crimes. The DRC needs ongoing international support to prevent recurring violence.

INTERNATIONAL RESPONSE

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

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

OHCHR has called for accountability for the killing of civilians during the September and December protests. On 20 February the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, condemned the "blunt military response" that does not tackle the root causes of conflict but "instead targets civilians on the basis of their presumed links to militias." On 19 April High Commissioner Zeid called for an immediate investigation by an impartial international mechanism following the discovery of additional mass graves by UNJHRO.

On 11 February MONUSCO condemned atrocities perpetrated by Kamuina Nsapu and the FARDC's disproportionate use of force, pledging to deploy a mobile monitoring response team to

the area to "possibly prevent, investigate, and document human rights violations." The AU, EU, MONUSCO and International Organisation of La Francophonie issued a joint statement on 28 March condemning Kamuina Nsapu's attack on DRC police.

On 4 May the UNSC issued a Press Statement calling upon parties to the 31 December agreement to remain committed to its implementation, including the objective of holding credible elections by the end of 2017. The UNSC also condemned the violence in the Kasai region, urging the government, MONUSCO and AU to undertake prompt and transparent investigations, including of possible 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 government must launch a credible and transparent investigation into the Kasai region.

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

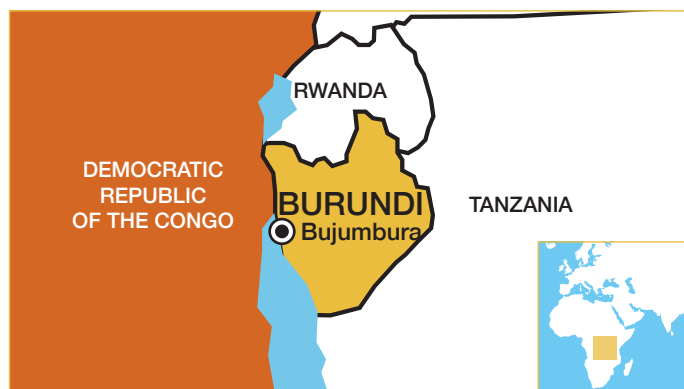
In keeping with the CENCO agreement, the government and opposition must recommit to an agreed election timetable and a peaceful transition of power.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution, 2348 S/RES/2348](#), 31 March 2017
- » [UNSC Press Statement, SC/12809](#), 4 May 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.



413,000 refugees and 169,000 IDPs since April 2015

BURUNDI

Populations in Burundi face a risk of potential mass atrocity crimes as ongoing human rights violations and 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 and abuses of human rights. As reported by the UN Independent Investigation on Burundi, these violations and abuses, which may amount to crimes against humanity, are primarily carried out “by State agents and those linked to them,” including the ruling party’s youth wing, Imbonerakure. The paramilitary Imbonerakure continues to incite violence and target members of the opposition.

The UN Secretary-General’s February 2017 report on Burundi notes that frequent killings, enforced disappearances, gender-based violence, arbitrary arrests and torture continue in Burundi. Many of these crimes have been directed at the political opposition and members of the former armed forces. Freedom of expression is severely restricted, with the government shutting down independent media and many civil society organizations. Members of the Burundian army and police, and the ruling Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD–FDD), have also been assassinated in suspected reprisal killings.

Since April 2015 at least 1,000 people have been killed in politically-inspired violence. Over 413,000 people have fled Burundi and an estimated 169,000 are 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 many as violating the 2000 Arusha

Peace Agreement, which ended a civil war that claimed over 350,000 lives between 1993 and 2005. On 13 May 2015 elements of the army undertook a failed coup attempt, which further increased government repression. President Nkurunziza was elected for a third term during July 2015.

The East African Community (EAC) has attempted to mediate the ongoing conflict, but 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 has rejected the EAC facilitator, former Tanzanian President Benjamin Mkapa. The government refused to participate in the latest round of talks during February 2017. During 2016 the government also undertook steps to isolate itself from international scrutiny, including by rejecting a UNSC-mandated police force and initiating its withdrawal from the ICC.

ANALYSIS

There is a risk that the ongoing political crisis could deteriorate further. Recurring political and ethnic conflict have previously resulted in mass atrocity crimes in Burundi. Incitement to violence, as well as enforced disappearances, torture and extrajudicial arrests and killings, have contributed to a pervasive climate of fear.

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 steps 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 initiated Burundi’s withdrawal from the Rome Statute.

On 29 July the UNSC passed Resolution 2303, authorizing up to 228 UN police to monitor the security and human rights situation. The government rejected the proposal.

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

NECESSARY ACTION

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

The government should collaborate with the UNSC, OHCHR and Commission of Inquiry, and reconsider its withdrawal from the ICC. The government should engage constructively with the political dialogue led by the EAC and ensure that independent media and civil society can operate freely.

The UNSC should work with the government to ensure the full implementation of 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 human rights violations and abuses.

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 9,000 people extrajudicially killed since June 2016

PHILIPPINES

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

BACKGROUND

Since President Rodrigo Duterte took office on 30 June 2016, almost 9,000 people have been extrajudicially killed in his proclaimed "war on drugs." More than 2,555 people have been

killed in police operations while the remainder of the killings has been attributed to unidentified gunmen who carry out vigilante-style executions of alleged drug offenders. President Duterte has publicly encouraged vigilantes to join his campaign and has also admitted that innocent civilians, including children, may have been killed, referring to them as "collateral damage."

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.

On 14 December the government cancelled a trip by the UN Special Rapporteur on extrajudicial, summary or arbitrary killings, Agnes Callamard, due to her refusal to accept restrictions imposed upon her visit. Despite being barred from an official visit, Special Rapporteur Callamard participated in a conference in the Philippines from 3-5 May.

During October a Philippines Senate Committee abandoned investigations into extrajudicial killings. On 24 February Senator Leila de Lima, a longtime critic of President Duterte's harsh policies and former Chair of the Philippines Senate Justice and Human Rights Committee, was arrested on charges of abetting the illegal drug trade while serving as Justice Secretary from 2010-2015. International observers have deemed the arrest an attempt by President Duterte to silence parliamentary opposition to his campaign of extrajudicial killings.

On 24 April Jude Sabio, a Filipino lawyer, filed a complaint with the ICC accusing President Duterte and 11 other senior officials of crimes against humanity and mass murder. On 1 February Vitaliano Aguirre II, the Philippines Justice Secretary, stated the killings could not be deemed crimes against humanity as drug offenders were not "part of humanity."

ANALYSIS

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.

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 actively promoted an atmosphere of impunity. Governmental bodies are dominated by President Duterte's allies, allowing human rights violations and abuses to continue without the prospect of accountability under the justice system.

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

INTERNATIONAL RESPONSE

International observers have expressed grave concern about state violence in the Philippines. On 3 November the

spokesperson for the police responded to criticism 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 would consider a preliminary examination into the killings.

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

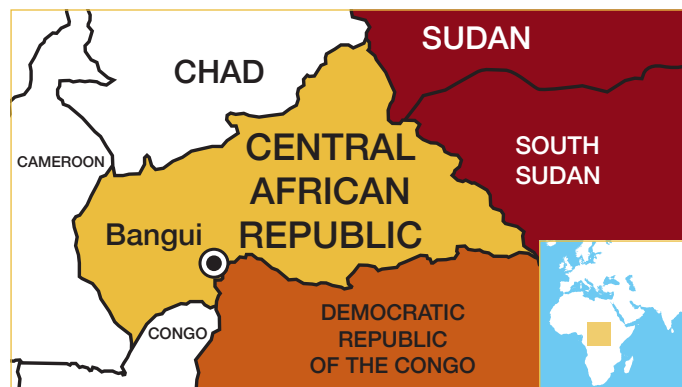
NECESSARY ACTION

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 upon the UN Special Rapporteur on extrajudicial killings and allow her to visit the Philippines in her official capacity.

The UN Human Rights Council should continue to closely monitor the situation in the Philippines. States with strong economic and political ties to the Philippines, especially the United States, must increase diplomacy aimed at ending extrajudicial killings.

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](#)



420,000 IDPs

2.2 million people in
need of humanitarian
assistance

480,000
refugees

CENTRAL AFRICAN REPUBLIC

Populations 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, populations in the Central African Republic (CAR) remain at risk of mass atrocity crimes.

Armed groups, who control an estimated 60 percent of the country’s territory, continue to perpetrate attacks against civilians as well as against the UN’s stabilization mission in CAR (MINUSCA). The UN Secretary-General’s 1 February 2017 report on CAR recorded at least 287 civilians killed since October 2016. On 8 May a MINUSCA convoy was reportedly attacked by elements from an anti-balaka militia, resulting in five peacekeepers being killed.

The current crisis in CAR has its origins in 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.

Tensions remain particularly high around Bambari, Ouaka prefecture, where two former ex-Séléka factions – Union pour la Paix en Centrafrique (UPC) and Front Populaire pour la Renaissance de la Centrafrique (FPRC) – compete for control. MINUSCA has condemned violence by the FPRC, who have reportedly targeted ethnic Fulani in their attacks. Armed Fulani self-defense groups have also allegedly perpetrated violent reprisals, sometimes in collaboration with members of the UPC. Several other armed groups have also carried out attacks against civilians, humanitarian workers and MINUSCA troops, particularly in Ouham-Pendé, Mbomou and Haute-Mbomou.

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 420,000 IDPs in CAR and over 480,000 refugees in neighboring countries. An estimated 2.2 million people – half the population – remain in need of humanitarian assistance.

ANALYSIS

The peaceful political transition in early 2016 represented important progress, but governmental control remains limited outside the capital Bangui, where armed groups continue to battle for control and carry out attacks against remote villages.

The fragmentation and realignment of armed groups is a challenge for Disarmament, Demobilization and Reintegration. Hostilities between armed groups are largely driven by localized competition over economic resources and power, but sometimes also have ethnic undertones.

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 all populations, including Resolution 2339 of 27 January 2017, which renewed sanctions and an arms embargo until 31 January 2018.

In a joint statement on 19 January 2017, the UN, EU, AU, Economic Community of Central African States and the International Organisation of La Francophonie, expressed their concern about the ongoing security situation in CAR, particularly in Ouaka and

Haute-Kotto prefectures, demanding that all armed groups cease hostilities.

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

On 12 April the United States imposed financial sanctions against Abdoulaye Hissène from the FPRC and Maxime Mokom, an anti-balaka leader.

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 Special Criminal Court.

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

MORE INFORMATION

- » [MINUSCA Website](#)
- » [UNSC Presidential Statement, S/PRST/2017/5](#), 4 April 2017
- » [GCR2P Populations at Risk: Central African Republic](#)



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