

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.

Syria {p. 2} Iraq {p. 4} Yemen {p. 6} Sudan {p. 7} Burma/Myanmar {p. 9} South Sudan {p. 11} DR Congo {p. 13} Burundi {p. 15} Nigeria {p. 16} CAR {p. 18} Philippines {p. 19}

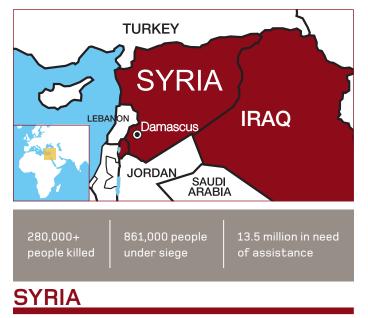


A bimonthly bulletin by the Global Centre for the Responsibility to Protect

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.

CURRENT CRISIS



Populations continue to face the threat of mass atrocity crimes committed by state security forces and affiliated militias 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

Ongoing fighting between government forces and armed opposition groups has continued across Syria, most notably within the city of Aleppo. Both Russian and Syrian government aircraft have conducted sustained airstrikes on east Aleppo, including with illegal barrel bombs, cluster munitions and "bunker-buster" bombs. Two days after a 26 October airstrike on a school in Idlib governorate that killed at least 22 children and 6 teachers, the Syrian opposition launched a renewed offensive to break the siege of east Aleppo. Opposition forces have also conducted indiscriminate attacks on the suburbs of west Aleppo, resulting in the deaths of at least 53 civilians, including 18 children, as of 31 October.

The combined Syrian government and Russian assault on Aleppo followed the collapse of a cessation of hostilities negotiated by Russia and the United States. The Syrian Observatory for Human Rights (SOHR) documented the deaths of 740 civilians, including 145 children, in the first month after the cessation collapsed on 19 September. On 1 November the Russian Defence Ministry announced that the resumption of Syrian peace talks, which had previously been mediated by UN Special Envoy Staffan de Mistura, would be indefinitely delayed.

The government has routinely obstructed the delivery of crossborder humanitarian aid, contravening multiple UN Security Council (UNSC) resolutions. UN Secretary-General Ban Ki-moon has accused all sides in Syria of using starvation as a weapon of war. A UN-Syrian Arab Red Crescent (SARC) aid convoy, as well as a SARC warehouse and health clinic, were systematically bombed in Urum al-Kubra, northwest of Aleppo on 19 September, hours after the ceasefire collapsed. Approximately 20 civilians and a SARC staff member were killed in the airstrikes and vital food and medical supplies were destroyed in the unprecedented violation of international humanitarian law (IHL). On 26 October the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported the number of Syrians cut off from aid had increased to 861,200. Over 13.5 million Syrians remain in need of humanitarian assistance, with 5.5 million people in inaccessible areas.

Attacks against health facilities also continue despite the 3 May adoption of UNSC Resolution 2286 on the protection of medical facilities in armed conflict. Hospitals have been repeatedly targeted in air strikes, and ninety-five percent of medical personnel who were in east Aleppo before the war are reported to have fled, been detained or killed.

Since the Syrian conflict began in 2011 over 280,000 people have been killed. OCHA reported that as of October 2016 there were over 4.8 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.

The UN Human Rights Council-mandated Commission of Inquiry (Col) has asserted that government forces have committed crimes against humanity as a matter of state policy. Government airstrikes in residential areas contravene UNSC Resolution 2139, which demanded all parties cease attacks on civilians and the use of indiscriminate weapons. The Col has reported that government-allied militias and other pro-government forces have also conducted widespread attacks on the population, committing crimes against humanity, including "extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts."

Numerous armed opposition groups have committed war crimes, violated 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 SOHR, between June 2014 and October 2016 ISIL executed 4,500 people, including nearly 2,450 civilians.

The Organization for the Prohibition of Chemical Weapons Joint Investigation Mechanism (JIM) issued its fourth report on 28 October. The JIM has determined that Syrian Government forces used chemical weapons in three separate incidents between 2014 and 2015 and that ISIL was responsible for a 2015 sulfurmustard attack. The use of chemical weapons is a war crime and also directly contravenes UNSC Resolution 2118. An international coalition, led by the United States, is currently conducting airstrikes against ISIL in Syria. The SOHR reported that at least 5,357 ISIL fighters and 611 civilians were killed during coalition airstrikes between September 2014 and September 2016. Amnesty International investigated 11 coalition airstrikes and reported on 26 October that an estimated 300 civilians were killed in these attacks. Russia commenced airstrikes in Syria during September 2015, claiming it would help defeat ISIL. However, most airstrikes have targeted other opposition forces and civilian areas outside government control, including in Aleppo. The SOHR reported that Russian airstrikes had killed 2,861 ISIL fighters and 4,162 civilians, including over 1,000 children, by 30 October 2016.

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

ANALYSIS

The collapse of the cessation of hostilities and intensification of fighting in Aleppo demonstrates that all sides in Syria remain committed to an outright military victory and that the lives of countless civilians are still imperiled by the ongoing civil war. Attacks on medical facilities and civilian infrastructure demonstrate a complete disregard for IHL and international human rights law (IHRL). Reestablishing the cessation of hostilities is vital for the protection of civilians and reviving the stalled peace talks.

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

The fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. ISIL and several other armed groups continue to pose a direct threat to civilians, especially those from minority religious communities.

External political influence upon the Syrian government, via the UN and regional actors, remains weak. The UNSC has been unable to enforce compliance with its resolutions, with bitter divisions over Syria evident amongst the permanent members. Despite the current political impasse, Russia, United States, Iran, Turkey and Saudi Arabia remain essential to any negotiated settlement of the conflict.

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

INTERNATIONAL RESPONSE

Following the outbreak of violence during March 2011, the international community responded by censuring the Syrian government for its widespread violations of human rights. Despite this, the UNSC failed to adequately respond to the conflict. Since 2011 China and Russia have vetoed four resolutions on Syria. Russia also vetoed another Syria resolution on 8 October. Since 2013, the UNSC has passed several resolutions on humanitarian access, the political process and chemical weapons in Syria. Several of these resolutions refer to the government's responsibility to protect populations, but none of them have been fully implemented.

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

The UN Human Rights Council has adopted 20 resolutions condemning atrocities in Syria. The latest, adopted on 20 October, called for the Col to conduct a special inquiry into events in Aleppo.

The International Syria Support Group - including the UN, European Union (EU), League of Arab States and other countries - met on the sidelines of the UN General Assembly on 20 and 22 September. Talks between Russia, United States, Saudi Arabia, Qatar and Special Envoy de Mistura were also held on 15 October. Neither process produced any agreement.

Following the request of 70 member states, on 20 October the UN General Assembly convened a special briefing to discuss the situation in Aleppo.

NECESSARY ACTION

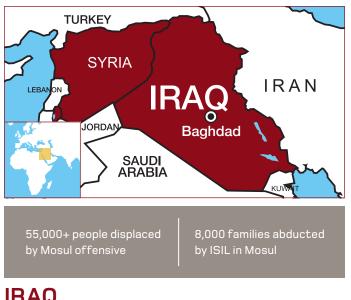
Russia and the United States need to press their respective Syrian allies to reestablish the cessation of hostilities and engage in meaningful negotiations over how to end the civil war. The UNSC must take meaningful action to end the use of indiscriminate and illegal weapons and hold all perpetrators accountable.

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

Russia, Iran and Hezbollah must cease enabling the crimes of the Syrian government. Countries opposed to the rule of President Bashar al-Assad must withhold all support from armed groups who commit war crimes and target civilians. All foreign states participating in airstrikes against ISIL must ensure all necessary precautions are taken to avoid civilian casualties and uphold IHL. After five years of civil war and five vetoes at the UNSC, the UN General Assembly should take up the issue of Syria. All parties to the conflict who have breached UNSC resolutions and perpetrated mass atrocity crimes must be held accountable under international law, regardless of their position or affiliation.

MORE INFORMATION

- » UN HRC Resolution, The human rights situation in the Syrian Arab Republic, 27 September 2016
- » Statement to the UNSC on Syria, OCHA, 26 October 2016
- » GCR2P Populations at Risk: Syria



IRAO

The extremist armed group the Islamic State of Iraq and the Levant is committing genocide, war crimes and crimes against humanity in Iraq. As they confront ISIL, Iraqi Security Forces and Shia militias are also committing grave human rights abuses.

BACKGROUND

Following the launch of a major offensive to recapture Mosul from ISIL, who have declared a caliphate spanning Syria and Iraq, the humanitarian situation in the city has become increasingly dire. Since the offensive began on 17 October, ISIL has engaged in widespread fighting across northern Iraq with a coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support. According to OCHA more than 55,000 people have been displaced due to the offensive. On 1 November, the ISF reached Mosul's city limits, the first time government forces have entered the city in more than two years.

Since the start of the offensive, the UN has received credible reports of mass killings and forced displacement of civilians perpetrated by ISIL around Mosul. On 18 October the Office of the UN High Commissioner for Human Rights (OHCHR) announced that ISIL has abducted at least 8,000 families from their homes and moved them to strategic locations in Mosul to be used as human shields. Those who resist have been killed, including at least 232 civilians on 26 October. The ISF has also discovered a mass grave containing at least 100 bodies in the town of Hammam al-Alil.

The Mosul campaign follows a major offensive to retake Fallujah from ISIL during May and June. The UN Refugee Agency (UNHCR) reported that 87,000 civilians fled the city as a result of the fighting. While the government instructed residents to leave via safe corridors established by the military, ISIL prevented many from doing so, including by killing those attempting to flee.

The UN Assistance Mission for Iraq (UNAMI) reported that 1,120 civilians were killed in acts of terrorism, violence and armed conflict during October, bringing the total number of civilians killed this year to more than 6,500. Given access constraints, UNAMI states that these figures "have to be considered as the absolute minimum" and do not include Anbar province, where intense fighting occurred between May and July.

OCHA estimates that as of October, 10 million people in Iraq – nearly one third of the population - are in need of humanitarian assistance, with over 4 million people internally displaced, more than half of whom are children. OCHA also reported that at least 1.7 million Iraqis are still living in areas outside government control in northern and western Iraq.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minority communities, including Christians, Shabak, Yazidis and Turkmen, causing their mass displacement. UNAMI and OHCHR have reported that ISIL's violations, "may amount to war crimes, crimes against humanity and possibly genocide." On 4 July the Minority Rights Group warned that many of Iraq's minority communities are "on the verge of disappearance." More than 3,500 women and children, mainly Yazidi, also remain enslaved by ISIL. On 16 June the Col on Syria reported that ISIL "has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis."

ISIL also routinely targets civilians from the majority Shia population in sectarian bombings. On 15 October 55 people were killed in ISIL attacks against a Shia gathering and other targets in areas near Baghdad and Tikrit.

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

Responding to sectarian terrorist attacks and the rise of ISIL, some Shia militias 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 27 October, Human Rights Watch reported that Kurdish forces were arbitrarily detaining men and boys fleeing Mosul and Hawija during the ongoing offensive. On 11 November OHCHR reported allegations of retaliatory attacks by civilians and ISF members, including revenge killings and demolition of houses in Kirkuk. The ISF has also been accused of extrajudicial killings, illegal detention, torture and other violations of IHL and IHRL.

ANALYSIS

ISIL poses a genocidal 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.

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. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq. Some Shia militias, mobilized by the government to fight ISIL, pose a direct threat to Sunni civilians.

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

INTERNATIONAL RESPONSE

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

On 7 June the UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, urged the Iraqi government to "show its commitment to protecting civilians" by fully investigating alleged human rights violations against civilians fleeing from ISIL-controlled areas. On 5 July the High Commissioner called upon the Iraqi government to "halt uncontrolled militias from continuing to take revenge on civilians fleeing towns recaptured from ISIL."

On 25 July the UNSC adopted Resolution 2299, renewing the mandate of UNAMI until July 2017 while expressing grave concern for continuing violations and abuses perpetrated by ISIL against civilians.

On 18 August OHCHR and UNAMI released a report on Yazidi survivors of atrocities committed by ISIL, calling for Iraq to accede to the Rome Statute of the ICC and hold perpetrators accountable for "targeting and seeking to destroy" the Yazidi.

On 28 September, the United States announced that it would send an additional 600 troops to Iraq, in anticipation of the

Mosul offensive, increasing the number of United States forces in the country to about 5,000.

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

NECESSARY ACTION

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

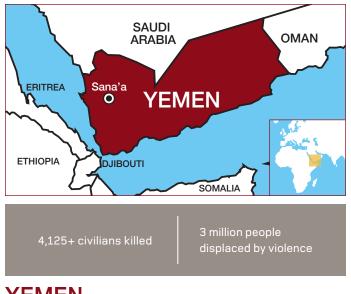
While confronting ISIL and other armed groups, it is essential that the Iraqi government protects all civilians and addresses the underlying sources of conflict between Sunnis, Shias and Kurds. The government of Iraq and the Kurdistan Regional Government must strictly uphold their obligations under IHL. Iraq's international supporters must ensure that all parties participating in the battle for Mosul take effective measures to ensure the protection of civilians in accordance with IHL.

The government must condemn 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 establish an international investigative commission to collect evidence regarding all mass atrocity crimes perpetrated by ISIL in Iraq, including the genocide against the Yazidi. Perpetrators should be held accountable under international law.

MORE INFORMATION

- » UNAMI Website
- » Casualty Figures, UNAMI, 1 November 2016
- » "A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL, OHCHR and UNAMI, August 2016
- » GCR2P Populations at Risk: Iraq



<u>YEMEN</u>

Mass atrocity crimes are being committed in Yemen as progovernment forces and a regional military coalition fight against Houthi rebels, who have taken control of much of the country.

BACKGROUND

Despite several temporary ceasefire agreements and intermittent UN-brokered peace talks between the government and Houthi rebels that began in Kuwait on 21 April, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. Ceasefire violations have increased throughout the country, with escalating violence since peace talks were suspended on 6 August. Since September there has been ongoing shelling in Taizz, Sana'a and Al Hudaydah, resulting in hundreds of civilian casualties. Parties to the conflict agreed to another temporary ceasefire that started on 19 October, but the cessation collapsed within 48 hours.

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 sustained Saudi-led coalition airstrikes, have resulted in more than 4,125 civilians killed, including at least 1,100 children, since March 2015. More than 3 million Yemeni civilians have been forcibly displaced while an estimated 21.2 million people, over 82 percent of the population, require humanitarian assistance. UN Secretary-General Ban Ki-moon has reported on the particularly dire effect on children, noting widespread recruitment by armed groups, sexual violence, abductions and military attacks on schools. The UN Children's Fund has reported that 370,000 children are at risk of starvation.

Houthi and government-allied forces have both targeted civilian infrastructure and international humanitarian workers. OCHA has reported that more than 170 schools and 70 health facilities have been destroyed. 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, while his office has reported that since August the majority of civilian casualties have been caused by airstrikes. On 8 October more than 140 people were killed when a reception hall holding the funeral of a government minister's father was bombed by the Saudi-led coalition in one of the largest attacks on civilians since March 2015.

Since the start of October armed Houthis and their supporters have been accused of firing missiles at foreign ships in the Red Sea. On 13 October the United States responded with missile strikes on radar facilities in Houthi-controlled territories. Houthis have also perpetrated attacks on Saudi Arabia, including firing a ballistic missile towards Mecca on 28 October.

The UN and the Gulf Cooperation Council (GCC) have made numerous attempts to broker peace between parties to the conflict. Amidst increasing violence the UN Special Envoy to Yemen, Ismail Ould Chekh Ahmed, together with "the Quad" (Saudi Arabia, United States, United Kingdom and United Arab Emirates), has been unable to secure a date for a resumption of peace talks.

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

ANALYSIS

Various parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. Failure to abide by the cessation and attempts by the Houthis to subvert the political transition are in violation of various UNSC resolutions. Escalating violence since the 6 August end to peace talks has exacerbated the ongoing humanitarian crisis.

Yemen has become another proxy battlefield between Saudi Arabia and Iran. While Saudi Arabia remains the main force backing the regional military coalition, Iran has allegedly provided military assistance to the Houthis. Former Yemeni President Saleh has also called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have resulted in increased pressure for the United States and United Kingdom to cease selling arms and providing military support 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 24 February 2016 the UNSC renewed the sanctions regime for an additional year.

On 30 September the 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. Following the 8 October airstrikes in Sana'a, High Commissioner Zeid reiterated his call for a commission of inquiry, and was supported by Secretary-General Ban Ki-moon.

On 8 September the UNSC issued a Press Statement urging all parties to continue working with Special Envoy Ahmed on negotiating a peaceful resolution to the conflict.

NECESSARY ACTION

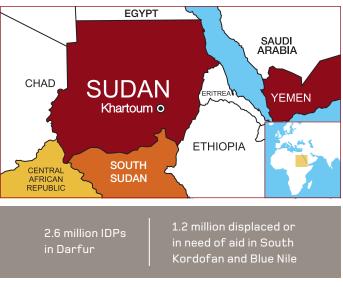
The distinction between military and civilian targets is central to IHL and must be adhered to. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including banned cluster munitions. All parties must uphold their Responsibility to Protect vulnerable populations regardless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

All parties to the conflict must respect agreed ceasefires in order to ensure humanitarian access to vulnerable civilians in desperate need of food, water and medical supplies.

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

MORE INFORMATION

- » UNSC Resolution, S/RES/2215, 14 April 2015
- » UNSC Presidential Statement, S/PRST/2016/5, 25 April 2016
- » OHCHR Report on the situation of human rights in Yemen, A/ HRC/33/38, 4 August 2016
- » GCR2P Populations at Risk: Yemen



SUDAN

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

BACKGROUND

For over five years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in hostilities in South Kordofan and Blue Nile states. According to OCHA, since June 2011 the conflict has resulted in over 1.2 million people "internally displaced or severely affected and in need of humanitarian assistance," while more than 250,000 have fled to South Sudan and Ethiopia. The government of Sudan prohibits access to South Kordofan and Blue Nile and is systematically preventing aid from reaching vulnerable civilians at risk of starvation.

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 at least 26 health facilities since 2011. The SPLM-N has also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

Following several failed negotiations, the African Union (AU) High Level Implementation Panel (AUHIP) for Sudan proposed a Roadmap agreement to halt the conflicts in Darfur, South Kordofan and Blue Nile. On 23 March the Chair of the AU Commission welcomed the signing of the agreement by the Sudanese government. On 8 August a number of prominent 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.

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

On 29 September an Amnesty International report documented evidence of the SAF repeatedly using chemical weapons against civilians in Darfur since January 2016. The investigation concluded that approximately 200-250 people were killed as a result of at least 30 suspected chemical weapons attacks in the Jebel Marra region this year. The Sudanese government has denied that it possesses or uses chemical weapons. The government also continues to prevent humanitarian access to areas around Jebel Marra.

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. UN Secretary-General Ban Ki-moon has condemned repeated attacks on UNAMID. Since 2008 more than 70 UNAMID peacekeepers have been killed.

ANALYSIS

The government has a history of perpetrating atrocities in Darfur and during its 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 over five years.

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

Since its deployment in Darfur in 2008, UNAMID has been unable to provide adequate protection to civilians and has been systematically obstructed by the government of Sudan. Ongoing inter-communal violence and SAF operations contribute to the risk of further mass atrocity crimes. The alleged use of chemical weapons is a potential war crime and demonstrates wanton disregard for international law. Attacks on UN peacekeepers also constitute war crimes, while restrictions on their freedom of movement contravenes the Status of Forces Agreement between the UN and Sudan.

Not only is the government of Sudan manifestly failing to uphold its Responsibility to Protect, it is directly responsible for perpetrating mass atrocity crimes in South Kordofan, Blue Nile and Darfur.

INTERNATIONAL RESPONSE

The UNSC has adopted 62 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.

In 2007 the ICC indicted three members of the current government, including President Omar al-Bashir, for war crimes and crimes against humanity committed in Darfur. President Bashir was also indicted in 2010 for perpetrating genocide in Darfur. The ICC issued an additional arrest warrant during September 2014 against rebel leader Abdallah Banda for war crimes resulting from an attack on AU peacekeepers during 2007 in northern Darfur. None of the indictees have been surrendered to the Court. The Chief Prosecutor of the ICC has criticized the UNSC for failing to meaningfully assist in the arrest of indicted suspects.

On 29 June the UNSC adopted Resolution 2296, which extended UNAMID's mandate until 30 June 2017. The resolution emphasized that those responsible for violations of IHL and abuses of human rights "must be held accountable and that the Government of Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes."

On 9 August the EU, Germany, Norway, United Kingdom and United States issued a joint statement welcoming the signing of the Roadmap agreement by various rebel groups. On 17 August the UN Secretary-General expressed his disappointment that the parties had failed to reach an agreement on a permanent cessation of hostilities, calling upon the parties to abide by the Roadmap agreement and continue negotiations.

NECESSARY ACTION

After more than 10 years and 62 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 must ensure the government and SPLM-N facilitate the delivery of humanitarian assistance, as stipulated in the Roadmap, 2011 Framework Agreement and 2012 cooperation agreements. The UNSC should mandate the establishment of an independent international commission of inquiry for South Kordofan and Blue Nile and actively support efforts to bring ICC indictees to justice.

States with major investments in Sudan, including China, Qatar, Iran and Saudi Arabia, should press the government to fulfill its commitments. The UNSC should ensure that violators of the arms embargo are held to account.

The government must stop obstructing UNAMID and allow them to uphold their mandate, including investigating gross human rights violations and the possible use of chemical weapons. Mediation efforts should be facilitated between the government and armed groups operating in Darfur. UNAMID should establish a forward operating base in Jebel Marra and actively patrol throughout the region.

MORE INFORMATION

- » UNAMID Website
- » UNSC Resolution, S/RES/2296, 29 June 2016
- » GCR2P Populations at Risk: Sudan



1 million Rohingyas are subject to systematic persecution and the denial of their ethnic identity

BURMA/MYANMAR

Stateless Rohingya in Burma/Myanmar face systematic persecution that poses an existential threat to their community. Recent violence and ongoing human rights violations against the Rohingya amount to possible crimes against humanity.

BACKGROUND

The situation in Arakan/Rakhine state in northwest Burma/ Myanmar has deteriorated significantly following a series of attacks on border guard posts on 9 October, when nine police officers and eight unidentified attackers were killed. The government declared a state of emergency in Maungdaw and three other townships. Reports of mass arrests, rape, and extrajudicial killings of Rohingya – a distinct Muslim ethnic minority group – have surfaced since a joint armypolice operation began on 10 October. Since 23 October army officers have forcibly removed more than 2,000 villagers from their homes. The army deployed helicopter gunships to several Rohingya villages on 12 and 13 November, resulting in the death of 2 soldiers and at least 25 civilians. Arakan/Rakhine state government officials have announced they will start recruiting and arming local citizens for an auxiliary police force, which Rohingya are ineligible to join.

Discriminatory state policies and systematic persecution in Burma/Myanmar continue to threaten the existence of the more than 1 million stateless Rohingya. The UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, has reported on the human rights situation of the Rohingya in Burma/Myanmar, detailing discriminatory practices targeting Rohingya on the basis of their identity. These "widespread and systematic" abuses amount to crimes against humanity.

Rohingyas were largely disenfranchised in advance of Burma/ Myanmar's historic November 2015 elections and continue to be denied citizenship and other fundamental human rights. The National League for Democracy (NLD) leader Aung San Suu Kyi has publicly stated that her government will not use the term "Rohingya," cautioning against "emotive" and "controversial" terms.

An estimated 120,000 people, mostly Rohingyas, remain segregated in IDP camps in Arakan/Rakhine state as a result of 2012 inter-communal violence. After visiting Rohingya displacement camps during February 2016, the Director of Operations for OCHA, John Ging, appealed for an end to the "discriminatory and repugnant policies" of segregation and disenfranchisement. The World Food Programme has reported that government authorities continue to deny humanitarian access to parts of Arakan/Rakhine state.

The cumulative impact of deteriorating living conditions, 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. Many Rohingyas in Arakan/Rakhine state also face the ongoing threat of recurring violence at the hands of Buddhist extremists who reject their right to exist in Burma/Myanmar.

In March 2015 the former government invalidated the identification cards held by many Rohingyas, forcing them to apply for citizenship as "Bengalis," suggesting 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. The UN Special Rapporteur for the human rights situation in Myanmar, Yanghee Lee, has previously highlighted the "right of the Rohingya to self-identification according to international human rights law."

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 23 August the office of State Counselor Aung San Suu Kyi announced the establishment of a high-level advisory commission, headed by former UN Secretary-General Kofi Annan, to find solutions to "the complex and delicate issues in the Rakhine state." The commission convened its first meeting on 5 September in Yangon. On 18 September Arakan/Rakhine state's Minister for Security and Border Affairs announced plans to demolish thousands of Muslim homes, schools and mosques, claiming that the structures were built illegally.

The country's military forces (Tatmadaw) also pose an ongoing threat to other ethnic groups in Burma/Myanmar. While the previous government signed ceasefire agreements with several ethnic armed groups, conflict continues. The NLD government held a peace conference – the 21st Century Panglong – with ethnic armed groups from 31 August to 3 September. However, shortly after the conference fighting resumed in several states, including in northern Shan, Kachin and Karen.

ANALYSIS

The recent violence in northwest Arakan/Rakhine state represents a dangerous escalation of the conflict between state security forces and the Rohingya minority, also potentially exacerbating tensions between Buddhist and Muslim communities across Burma/Myanmar.

The previous government's refusal to end discriminatory state policies against Rohingyas encouraged violations of their fundamental human rights and reinforced the dangerous perception of the Rohingya 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 Burma/Myanmar.

While the NLD government has made some progress towards democracy and advancing human rights, it has yet to repeal existing discriminatory laws and anti-Rohingya policies. The NLD government has an opportunity to drastically improve the plight of the Rohingya, including by utilizing the recently established high-level advisory commission.

With a pervasive culture of impunity, the military has not been held accountable for previous mass atrocity crimes, and there are grave fears for the safety of vulnerable Rohingya civilians as the security forces increase operations in Arakan/ Rakhine state.

Despite some positive signs, the government of Burma/Myanmar is still failing to uphold its primary Responsibility to Protect with regard to the Rohingya.

INTERNATIONAL RESPONSE

Following decades of military dictatorship, democratic reforms have contributed to rapprochement between Burma/Myanmar

and the international community, including the lifting of sanctions by a number of countries.

On 7 July the European Parliament passed a resolution calling upon the government to abolish discriminatory policies and restore the Rohingya's citizenship. Citing progress on human rights under the leadership of Aung San Suu Kyi, the EU announced on 16 September that it would not be submitting a UN General Assembly human rights resolution on Myanmar for the first time since 1991.

Following a meeting with Aung San Suu Kyi in Washington, on 7 October United States President Barack Obama formally announced that the United States is lifting its remaining sanctions on Myanmar because of the country's progress towards democracy.

On 14 October the high-level advisory commission on Rakhine state issued a statement "strongly [deploring] the violent attacks perpetrated in northern Rakhine State." On 24 October Special Rapporteur Lee – together with four other UN Special Rapporteurs – issued a joint statement condemning human rights violations in Burma/Myanmar, calling upon the government to undertake thorough investigations of all alleged abuses during Army operations and prevent incitement against the Rohingya.

NECESSARY ACTION

While responding to the recent border post attacks, the NLD government must ensure that all security operations in Arakan/Rakhine state are fully compliant with international law. Authorities should ensure that humanitarian aid can reach vulnerable populations in Arakan/Rakhine state, including the Rohingya.

The government of Burma/Myanmar must uphold its Responsibility to Protect all populations, regardless of their ethnicity or religion. The NLD government should immediately abolish the Rakhine Action Plan and end institutionalized discrimination against the Rohingya, including the denial of citizenship. The government must prohibit hate speech and hold accountable all those who commit human rights abuses. The government should collaborate with OHCHR to open a UN human rights office in Burma/Myanmar.

In Arakan/Rakhine state the government must facilitate the safe, voluntary return of IDPs to their communities. Countries that receive Rohingya asylum seekers should offer them protection and assistance. The NLD government should urgently halt any proposed action to systematically demolish buildings belonging to Muslim and Rohingya communities in Arakan/ Rakhine state.

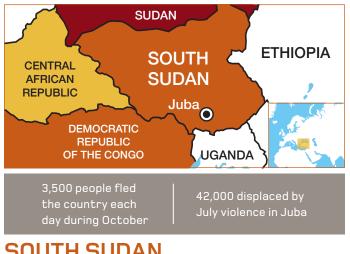
The high-level advisory commission should investigate the systematic persecution of the Rohingya.

MORE INFORMATION

- » UN HRC Resolution, A/HRC/31/24, 23 March 2016
- Human rights violations and abuses against Rohingya Muslims and » other minorities in Myanmar, OHCHR, 20 June 2016
- » Statement of the UN Special Rapporteur, 4 July 2016
- » GCR2P Populations at Risk: Burma/Myanmar

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.



SOUTH SUDAN

Despite the August 2015 peace agreement, recent violence in South Sudan poses an imminent threat to populations who may be targeted on the basis of ethnicity and presumed political loyalties.

BACKGROUND

The peace process that formally ended the 2013-2015 civil war in South Sudan remains on the brink of collapse as a result of ongoing violence. On 30 September UNHCR expressed concern regarding the safety of 100,000 people trapped in Yei, Central Equatoria state, due to armed clashes between elements of the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO). In early October fighting resumed in Unity state with the UN receiving reports of civilians being raped, abducted, and killed, as well as the forced recruitment of children. Heavy fighting was also reported near Malakal, Upper Nile state. According to UNHCR, an average of 3,500 people fled South Sudan to neighboring countries every day during October.

The latest violence follows five days of intense fighting from 7 to 11 July between elements of the SPLA and the SPLA-IO. Heavy fighting, including tanks and helicopter gunships, took place in Juba, particularly in the Jebel area near a UN base protecting thousands of civilians. Following an 11 July ceasefire, First Vice President Riek Machar fled Juba and was replaced on 24 July by

Taban Deng Gai, whose nomination by the fractured opposition was accepted by President Salva Kiir. On 24 September Machar issued a statement from Sudan calling upon his supporters to wage armed resistance against the government.

Hundreds of people, including civilians and two UN peacekeepers, were reportedly killed during the July fighting. Two UN compounds were hit by mortar and artillery fire, killing at least eight people. Approximately 42,000 people were displaced in Juba. Some civilians attempting to flee to UN bases were subjected to targeted killings on the basis of ethnicity.

OHCHR recorded 217 incidents of sexual violence between 8 and 25 July. On 1 August the UN Mission in South Sudan (UNMISS) condemned the sexual violence and noted that such acts may amount to war crimes and crimes against humanity. Several rapes of foreign humanitarian workers also took place near a UN base where peacekeepers were aware of the attacks, but failed to act.

A UN Special Investigation into the Juba violence concluded on 1 November that, "a lack of leadership on the part of key senior Mission personnel culminated in a chaotic and ineffective response." Following publication of the report UN Secretary-General Ban Ki-moon announced the dismissal of UNMISS' Force Commander, Lieutenant General Johnson Mogoa Kimani Ondieki of Kenya. The government of Kenya criticized the dismissal, announcing their intention to withdraw all Kenyan troops from UNMISS and the Intergovernmental Authority on Development (IGAD) peace process.

On 5 August 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. The Transitional Government of National Unity issued a joint communiqué with the UNSC on 4 September consenting to its deployment. However, UN Under-Secretary-General for Peacekeeping, Hervé Ladsous, said on 14 September that the Transitional Government had made no progress towards fulfilling its commitments regarding the RPF.

The fighting in Juba occurred nearly a year after President Kiir and Machar agreed to end the country's 2013-2015 civil war by signing the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" 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 mass atrocities committed during the conflict. Despite the formation of the Transitional Government on 29 April, President Kiir and Machar were criticized for their half-hearted implementation of the peace agreement.

The civil war was the result of a conflict that started on 15 December 2013 between the SPLA and SPLA-IO. Over the following 18 months, the worst fighting was between ethnic Dinka and Nuer soldiers loyal to President Kiir and Machar, respectively. At least 24 armed militias loosely aligned with either side, including the powerful Nuer White Army, have been operating in South Sudan.

Between 2013 and 2015 parties to the civil war engaged in war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence, targeting civilians as part of their military tactics. At least 50,000 people were killed and nearly 1.7 million were internally displaced, while 900,000 people fled the country, according to UNHCR. Prior to the recent violence, over 160,000 people were still taking refuge in six UNMISS bases across the country. Since the July fighting more civilians have sought UN protection.

ANALYSIS

Political instability, endemic corruption and sustained violence have been pervasive in South Sudan for the majority of its five years of independence. The resumption of fighting and the split in the SPLA-IO leaves civilians at ongoing risk of potential mass atrocity crimes. Attacks on civilians sheltering at UN protection sites demonstrate a clear disregard for IHL and IHRL by all parties to the conflict.

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

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

The Transitional Government has failed to uphold its Responsibility to Protect and ensure accountability for

mass atrocity crimes. UNMISS requires urgent international assistance in order to uphold its civilian protection mandate.

INTERNATIONAL RESPONSE

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

UNSC Resolution 2304 of 12 August extended UNMISS' mandate until 15 December and emphasized that the Transitional Government bears the primary responsibility to protect populations from mass atrocities. The resolution threatened an arms embargo if the government continued to obstruct UNMISS from fulfilling its mandate.

A UNSC delegation visited South Sudan from 2 to 5 September to discuss full implementation of the peace agreement. The AU Peace and Security Council conducted a mission to South Sudan from 28 to 30 October.

During a mission to Juba on 11 November, UN Special Adviser on the Prevention of Genocide, Adama Dieng, warned that populations face the threat of genocide unless national, regional and international actors "take immediate measures to end the violence and uphold our collective responsibility to protect the populations of South Sudan from atrocity crimes."

NECESSARY ACTION

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

IGAD must expeditiously establish and deploy the RPF. UNMISS and the RPF must robustly implement their civilian protection mandate. 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 needs to fully implement the recommendations of the UN Special Investigation aimed at providing adequate protection to civilians and ending human rights violations. The UN Department of Peacekeeping Operations should ensure that all UNMISS commanders uphold their mandate to protect civilians and are held accountable for negligence and underperformance.

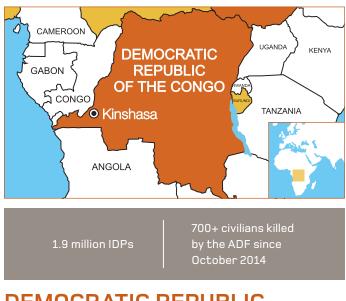
The UNSC and IGAD should immediately impose an arms embargo and extend targeted sanctions.

The AU should establish the HCSS and ensure it has the resources to investigate and prosecute individuals responsible

for mass atrocities committed since December 2013, including commissioning a special investigation into the July violence in Juba. The government, AU and international community must hold those responsible for atrocities in South Sudan accountable, regardless of affiliation or position.

MORE INFORMATION:

- » UNMISS Website
- » UNSC Resolution, S/RES/2304, 12 August 2016
- » Joint Communiqué by Transitional Government of National Unity of South Sudan and UNSC Members, 4 September 2016
- » GCR2P Populations at Risk: South Sudan



DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the eastern Democratic Republic of the Congo remain at imminent risk of possible mass atrocity crimes perpetrated by armed groups. Disagreements regarding the country's presidential election timeline have also resulted in political violence.

BACKGROUND

There is an increasing risk of deadly political violence as a result of tensions surrounding postponed presidential elections in the Democratic Republic of the Congo (DRC). On 19 September more than 50 civilians were killed during demonstrations and several political opposition offices were burnt down in Kinshasa. On 21 October the UN Joint Human Rights Office in the DRC reported that during the protests police and armed forces used "excessive, lethal force" and were responsible for 48 of the resulting deaths.

President Joseph Kabila's term is constitutionally mandated to end in 2016, but the government lacks the capacity to complete voter registration and hold the required elections. On 1 September a national dialogue was launched to ensure a peaceful political process, but most opposition groups refused to participate. Following the September violence the DRC's election commission announced a new timetable, indicating local and legislative elections would be held during 2017 while the presidential election would be postponed until 2018. The national dialogue resulted in an agreement that allows for the creation of a transitional government with Kabila serving as President until elections are held in April 2018.

Pervasive insecurity in the eastern DRC has allowed armed groups to perpetrate mass atrocity crimes against civilians. Armed groups – such as the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces (ADF) and various Mayi-Mayi militias – have been operating in the DRC for more than 20 years and continue to sporadically attack vulnerable populations in a region that is home to 1.9 million IDPs.

Despite offensives conducted by the government's armed forces (FARDC) with assistance from the UN's stabilization mission in the DRC (MONUSCO) and its force intervention brigade, violence committed by dozens of armed groups continues throughout the eastern DRC. Populations in Maniema, Katanga and North Kivu have been particularly affected by fighting between various Mayi-Mayi groups and the FARDC. Several armed groups have also been implicated in kidnapping humanitarian workers.

The FARDC launched offensive operations against the FDLR in February 2015. Although the offensive has significantly weakened the FDLR, the group continues to threaten civilians. Inter-communal clashes have also sparked violence between armed groups affiliated with the FLDR, and those affiliated with ethnic Nandes in Lubero and Walikale, North Kivu. Elsewhere in North Kivu the ADF and other armed groups have been sporadically attacking villages near Beni, massacring civilians and perpetrating possible crimes against humanity. The ADF is suspected of killing more than 700 people since October 2014.

ANALYSIS

Growing repression and the population's increasing frustration with the unconstitutional delay in elections enhances the risk of more political violence. Although the AU, International Conference for the Great Lakes Region (ICGLR) and Southern African Development Community (SADC) have welcomed the agreement reached through the national dialogue, opposition figures may continue to contest President Kabila's leadership after his formal term ends in December. Instability caused by disagreements over the presidency may be further exacerbated by the weakness of government structures throughout the country.

Meanwhile, military measures taken against the FDLR, ADF and other armed groups continue to leave civilians at risk of reprisal violence. The FARDC and MONUSCO have failed to adequately respond to early warning of attacks, particularly around Beni, and vulnerable civilians have sometimes responded by forming their own self-defense groups. The FARDC has also been implicated in attacks on civilians, including widespread sexual violence, and often fails to hold its members accountable for human rights violations.

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, which will continue to emerge even after the eradication of the ADF and FDLR if these issues are not resolved. While the government has undertaken important reforms, impunity for crimes committed against civilians continues.

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

INTERNATIONAL RESPONSE

On 30 March the UNSC extended MONUSCO's mandate until March 2017, emphasizing that the DRC government "bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes." The following day the UNSC issued a Presidential Statement reiterating that the 2013 Peace, Security and Cooperation (PSC) Framework remains essential to peace and security in the Great Lakes Region.

The UNSC currently subjects 9 entities and 31 individuals in the DRC to sanctions. On 23 June the UNSC passed Resolution 2293 extending the sanctions regime until 1 July 2017 and including for the first time individuals found to be "planning, directing or committing acts that constitute human rights violations."

The UNSC, the Secretary-General's Special Representative in the DRC, and the High Commissioner for Human Rights have all raised concerns regarding the risk of further instability and violence due to the disputed election process.

On 22 September the UN High Commissioner for Human Rights called for accountability for the killing of civilians and other human rights violations during the Kinshasa protests. Since September five UN Special Rapporteurs have issued statements condemning the security forces' response to protests and urging the government to lift bans on public assembly.

On 28 September the United States Treasury imposed targeted sanctions on General Gabriel Amisi and John Numbi, a former national police inspector, for crimes perpetrated against civilians in the DRC.

The UNSC conducted a mission to the DRC from 10 to 14 November to discuss elections and the PSC Framework.

NECESSARY ACTION

The DRC government and MONUSCO must ensure that protecting civilians remains the primary priority as they address the ongoing threat posed by various armed groups. The FARDC and MONUSCO need to increase their capacity to respond to early warning of inter-communal violence and attacks by armed groups. MONUSCO should also support the government in facilitating local peacebuilding initiatives and encourage civil society to help facilitate DDRRR.

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. The government should remove all FARDC members accused of serious human rights violations from leadership positions.

The government, with MONUSCO's support, should enhance security and protection measures, particularly in eastern DRC and Kinshasa, in advance of 19 December when President Kabila's term was constitutionally mandated to end. The security forces must respect international standards on the use of force during demonstrations. The government and opposition should engage in genuine dialogue regarding the election process and actively discourage political violence.

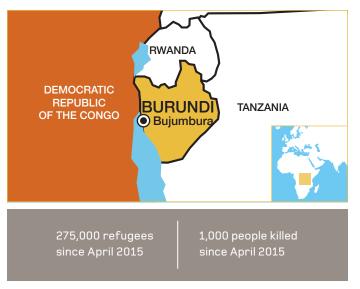
The UN, AU, ICGLR and SADC should ensure that all signatories to the PSC Framework continue to fulfill their commitments.

MORE INFORMATION

- » MONUSCO Website
- » UNSC Press Statement, SC/12528, 21 September 2016
- » "UN Human Rights Experts Deeply Condemn New Violent Repression of Protests, OHCHR, 23 September 2016
- » GCR2P Populations at Risk: DRC

SERIOUS CONCERN

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



BURUNDI

Civilians in Burundi face a serious risk of potential mass atrocity crimes as ongoing political violence continues to destabilize the country.

BACKGROUND

There is an ongoing risk of mass atrocity crimes in Burundi as a result of targeted killings, including the assassination of political activists and military officials, widespread violations of human rights and ongoing clashes between the security forces and armed elements of the opposition. The UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, and the UN Independent Investigation on Burundi (UNIIB) have raised concern over reports of extrajudicial executions, mass arrests, illegal detention and torture, as well as systematic targeting of members of the opposition and of the former Burundian army. According to UNIIB, OHCHR "verified 564 cases of executions," but argued that the actual death toll is likely much higher.

Following UNIIB's report the government denounced the findings and took steps to further isolate itself from the international community, including refusing UN human rights investigators entry into the country and announcing that Burundi would no longer cooperate with OHCHR. The government had previously rejected a UNSC-mandated international police force and on 12 October Burundian lawmakers voted to withdraw from the ICC.

Since 26 April 2015 at least 1,000 people have been killed in civil unrest. The crisis developed following the announcement by the ruling Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD-FDD) that President Pierre Nkurunziza would seek a third term in the country's elections. President Nkurunziza's candidacy was regarded by the political opposition and many civil society groups as being in violation of the constitution and the 2000 Arusha Peace and Reconciliation Agreement, which brought an end to a civil war that claimed over 350,000 lives between 1993 and 2005. UNHCR reported that over 275,000 Burundians have fled the country since April 2015, and over 100,000 are internally displaced.

OHCHR has reported cases of sexual violence committed by the security forces. Independent media outlets have been destroyed or shut down. The government has also suspended the permits of local human rights groups. There are ongoing reports of hate speech and incitement to violence on the basis of ethnicity by some government officials and some opposition supporters. Members of the current Burundian army and police, as well as of the ruling CNDD-FDD, have also been assassinated in suspected reprisal killings.

ANALYSIS

There is a risk that the ongoing political crisis in Burundi could deteriorate into an open armed conflict and significantly increase the risk of mass atrocity crimes. The refusal to cooperate with the UNSC, OHCHR and ICC is a disturbing indication of the government's unwillingness to accept international scrutiny regarding ongoing human rights violations in the country.

Despite a sustained period of stability since the end of the 1993-2005 civil war, recurring political and ethnic conflict have previously caused mass atrocity crimes in Burundi. There is a risk that the army, which has been a source of stability since the end of the civil war, could fracture along political and ethnic lines. Tensions between the army, traditionally dominated by the ethnic Tutsi minority, and ethnic Hutu political organizations have previously been a perennial source of conflict.

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

INTERNATIONAL RESPONSE

On 29 July the UNSC passed Resolution 2303 urging Burundi to accept the deployment of up to 228 UN police personnel, including those mandated to provide protection and assistance to OHCHR and AU monitors. The government rejected the proposal, stating it would only accept up to 50 unarmed police personnel.

On 30 September the UN Human Rights Council passed a resolution authorizing the creation of a commission of inquiry to conduct investigations into human rights violations and abuses in Burundi since April 2015.

On 13 October the UNSC requested that the Secretary-General's Special Adviser for Conflict Prevention on Burundi, Jamal Benomar, consult with the government on "a way forward on all issues related to peace and security and UN activities in the country," including the rejection of a UN police force.

NECESSARY ACTION

Immediate steps must be taken by the government and opposition to avoid further militarization and/or ethnicization of the political crisis. Allegations of human rights abuses, torture and extrajudicial killings should be subject to thorough and independent investigation. The government should honor its commitment to release detainees, allow independent media and ensure civil society can operate freely. The government and opposition must refrain from using language that could exacerbate ethnic tensions or incite political violence. The government should also reconsider its decision to withdraw from the ICC.

The UNSC should authorize the deployment of a more robust UN police presence. Monitoring responsibilities should include providing early warning on the risk of mass atrocity crimes. The UNSC should also condemn recent actions by the government to block OHCHR and the ICC from reviewing human rights violations in the country.

Given the government's recent actions, the AU, UNSC and individual states should impose targeted sanctions on any individuals implicated in targeted killings, deemed responsible for inciting violence or guilty of breaching the Arusha Peace Agreement.

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, Situation of human rights in Burundi, 30 September 2016
- » GCR2P Populations at Risk: Burundi



NIGERIA

Mass atrocity crimes continue to be threatened by the extremist group Boko Haram in northern Nigeria. Excessive use of force by security forces, recurring inter-communal violence and ongoing instability in several other regions also constitute a serious threat to civilians.

BACKGROUND

While military operations by the Nigerian army and the regional Multinational Joint Task Force (MNJTF) have recovered most of the territory once held by Boko Haram, sporadic attacks continue in the Lake Chad Basin region, with 21 million people living in the affected regions and many areas still unsafe for returnees. The Nigerian government's seven-year conflict with the armed extremist group Boko Haram has claimed more than 20,000 lives.

According to OCHA, there are currently 2.6 million people displaced in the Lake Chad region, with the majority in Nigeria. The Boko Haram conflict has resulted in a humanitarian crisis in parts of Nigeria and neighboring Cameroon, Chad and Niger, resulting in extreme food shortages and famine-like conditions.

Boko Haram has kidnapped thousands of civilians during its insurgency, often targeting schools for attack, including the 2014 abduction of 276 girls from Chibok and the 2015 abduction of 300 elementary students in Damasak. The vast majority of abducted children remain missing.

On 13 October Boko Haram freed 21 girls kidnapped from Chibok as a result of talks brokered by the International Committee of the Red Cross and the government of Switzerland. The negotiations took place during a leadership struggle within Boko Haram between Abubakar Shekau, who has led the group since 2010, and Abu Musab al-Barnawi, who was recently appointed by ISIL. Soon after the release of the girls on 17 October, Boko Haram overran a military camp in Gashigar, on the border with Niger, killing 13 soldiers. As the government continues to confront Boko Haram, several other localized conflicts, rooted in long-standing grievances over land and resource allocation, have reignited in Nigeria's "middle belt" and Niger Delta regions. Inter-communal clashes between semi-nomadic herdsmen and settled farming communities have resulted in hundreds of deaths during 2016. Newly-formed militant groups in the Niger Delta, including the Niger Delta Avengers, have perpetrated attacks on oil and gas installations as well as security personnel.

Nigerian security forces have been widely accused of failing to adequately protect populations and of committing human rights abuses against civilians, including raping women and girls displaced by Boko Haram. On 1 September Nigerian military authorities confirmed that some soldiers had been secretly selling arms and ammunition to Boko Haram.

ANALYSIS

While large-scale attacks by Boko Haram have become less frequent, the group continues to target civilians as well as security and humanitarian personnel. Large-scale displacement and insecurity have increased unemployment and poverty within Nigeria, which is already experiencing a severe decrease in government revenue due to depressed oil prices. Destroyed civilian infrastructure across the northeast and the ongoing threat of Boko Haram attacks makes the return of displaced populations dangerous and continues to limit humanitarian operations. Years of disrupted farming and trading have resulted in an acute food crisis in the northeast.

Infighting within Boko Haram's leadership has resulted in rival leaders attempting to assert control over the group. Al-Barnawi has declared his intention to increase Boko Haram's targeting of Christians, putting these populations at greater risk of atrocities and potentially exacerbating religious tensions within Nigeria.

The reemergence of armed groups in the Niger Delta region and attacks on oil and gas installations puts increasing strain on a government that is already struggling to protect vulnerable civilians from Boko Haram.

While the recently-established Human Rights Desk for the Nigerian army is a welcome development, the scale and frequency of human rights abuses committed by the security forces confirms the necessity of comprehensive security sector reform.

The government of Nigeria currently lacks the capacity to adequately uphold its Responsibility to Protect and needs ongoing support from the international community.

INTERNATIONAL RESPONSE

On 14 May representatives from the four Lake Chad Basin states, together with international partners, including the EU, France, United Kingdom and United States, met in Abuja for the second Regional Security Summit on efforts to defeat Boko Haram. Ahead of the Summit, the UNSC issued a Presidential Statement recognizing that some acts perpetrated by Boko Haram "may amount to crimes against humanity and war crimes" and stressing that those responsible must be held accountable.

On 29 October the AU announced it had provided the MNJTF with additional vehicles to improve its capacity to fight Boko Haram.

The international response to the situation in Nigeria is currently primarily focused on alleviating the humanitarian crisis in the northeast.

NECESSARY ACTION

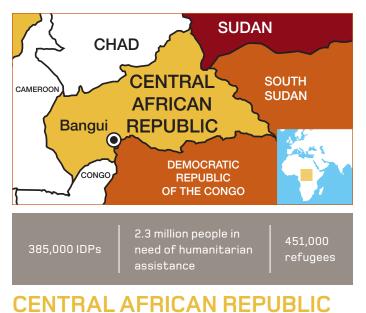
Governments involved in the MNJTF and ongoing military operations against Boko Haram need to mitigate the risk to civilians and strictly adhere to IHL and IHRL. Captured Boko Haram leaders should be held accountable for crimes against humanity committed in areas under the group's command and control.

The government of Nigeria must address the root causes of conflict through social initiatives and political reforms that tackle corruption, poor governance and land rights, as well as access to employment and educational opportunities. The government must provide protection to all vulnerable communities and renew efforts to release people abducted by Boko Haram. The return of refugees and IDPs should be conducted on a strictly voluntary basis.

Thorough investigations must be conducted into alleged abuses by the security forces, including for crimes committed during counter-terrorism operations. The government needs to urgently undertake comprehensive security sector reform to ensure that the army and police are trained to protect civilians and prevent mass atrocities in a manner consistent with international law.

MORE INFORMATION

- » "Nigeria: The Challenge of Military Reform," International Crisis Group, 6 June 2016
- » GCR2P Populations at Risk: Nigeria



Civilians in the Central African Republic remain at risk of mass atrocity crimes committed by "anti-balaka" militias, ex-Séléka

BACKGROUND

rebels and other armed groups.

Despite a period of relative stability following the peaceful election of a new President, Faustin-Archange Touadéra, on 14 February 2016, civilians in the Central African Republic (CAR) remain at ongoing risk of mass atrocity crimes as armed groups continue to perpetrate sporadic attacks on villages, displacement sites, humanitarian workers, and peacekeepers from the UN Mission in CAR (MINUSCA).

Hostilities between factions of the ex-Séléka, a predominantly Muslim rebel group, have escalated in the center of the country, particularly near Bambari and Kaga-Bandoro. On 16 and 17 September clashes between ex-Séléka members and anti-balaka militias in Kaga-Bandoro and surrounding villages resulted in at least 40 people killed and an estimated 3,200 displaced. On 12 October several hundred ex-Séléka attacked a displacement camp and secondary school in Kaga-Bandoro, before UN peacekeepers repelled them. At least 30 people were killed during the violence.

OCHA released a communiqué on 29 September denouncing recent attacks on humanitarian workers in CAR. Following attacks on 12 October the International Rescue Committee announced it would withdraw from the Kaga-Bandoro area.

Armed men also attacked a displacement site in Ngakobo, near Bambari, on 15 October, killing at least 11 people. On 28 October clashes between ex-Séléka and anti-Balaka militias near Bambari resulted in 15 people killed. The following day at least 10 people, including 6 gendarmes and 4 civilians, were killed in an ambush outside Bambari.

Growing tensions in Bangui have also resulted in violent conflict. On 4 October 11 people were killed following the assassination of an army commander by "self-defense groups" in a Muslim neighborhood of Bangui.

The Lord's Resistance Army (LRA), which is active in eastern and southern prefectures, has also increased its sporadic attacks during 2016, including abducting and killing civilians.

The crisis in CAR began after the 24 March 2013 overthrow of President François Bozizé by the Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian and animist "anti-balaka" militias. MINUSCA and an EU military assistance mission are presently deployed in the country.

An International Commission of Inquiry for CAR has found the anti-balaka and ex-Séléka armed groups responsible for war crimes and crimes against humanity. The Commission estimated that 80 percent of CAR's Muslim population had been driven out of the country during the 2013-2015 crisis and concluded that crimes committed by the anti-balaka constitute a "policy of ethnic cleansing" against CAR's Muslims.

There are currently more than 385,000 IDPs in CAR and over 451,000 refugees in neighboring countries. An estimated 2.3 million people – half the population – remain in urgent need of humanitarian assistance.

ANALYSIS

Hostilities between anti-balaka militias, ex-Séléka rebels, armed Muslim self-defense groups and other armed groups, as well as between international peacekeepers and these groups, continue to pose a threat to civilians. Violence between nomadic pastoralists and settled agriculturalist communities in the transhumance corridor also continues. The LRA has exploited the security vacuum to expand its operations in the remote south and east.

The largely peaceful elections and political transition represent important progress, but the underlying conflict in CAR remains unresolved. Armed groups continue to exercise control over large parts of the country. The fragmentation of the ex-Séléka and anti-balaka is proving challenging for Disarmament, Demobilization and Reintegration (DDR) programs.

National security forces have previously been implicated in serious violations of IHL and IHRL and remain unable to repel major attacks by various armed groups without the assistance of international forces. Furthermore, armed groups continue to attack humanitarian workers and obstruct access to vital aid.

MINUSCA also continues to face critical capacity gaps that impede its ability to uphold its mandate to protect civilians throughout CAR. Allegations of sexual abuse of children by MINUSCA peacekeepers have undermined confidence in the UN. The conclusion of Operation Sangaris, resulting in the removal of 2,000 French troops, on 31 October presents additional operational challenges for MINUSCA. Attacks on MINUSCA by armed groups constitute war crimes. The CAR government requires sustained international assistance to uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

Following the deadly surge in violence during late 2013, the international community intensified its response to the crisis in CAR, including by passing six UNSC resolutions between October 2013 and April 2015 that emphasized the interim government's responsibility to protect the civilian population.

On 27 January 2016 the UNSC passed Resolution 2262, renewing the sanctions regime and arms embargo. On 7 March the UNSC added Joseph Kony and the LRA to the sanctions list. On 26 July the UNSC passed Resolution 2303, renewing the mandate of MINUSCA until 15 November 2017 and recalling the primary responsibility of CAR's authorities to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

The UN Deputy Secretary-General, Jan Eliasson, visited CAR from 1 to 2 November and discussed with the government the need for a reconciliation process and stronger DDR efforts.

NECESSARY ACTION

The government should prioritize accountability for mass atrocity crimes and other violations and abuses of IHRL and IHL, including through cooperation with the ICC. Urgent financial and logistical resources are also needed to establish the hybrid Special Criminal Court for CAR.

MINUSCA must forcibly disarm groups that continue to threaten populations, particularly near Kaga-Bandoro. MINUSCA must ensure it deploys in adequate numbers to all areas where vulnerable civilians lack sufficient protection, including in remote areas affected by the LRA. MINUSCA must improve its capacity to anticipate and rapidly respond to emerging security threats.

The international community must hold perpetrators accountable, including through expanding UNSC sanctions to target those responsible for recent violence.

MORE INFORMATION

- » MINUSCA Website
- » UNSC Resolution, S/RES/2281, 26 April 2016
- » GCR2P Populations at Risk: Central African Republic
- » GCR2P Populations at Risk: Central Africa (Lord's Resistance Army)



PHILIPPINES

President Duterte's "war on drugs" leaves civilians at risk of extrajudicial killing and potential mass atrocity crimes.

BACKGROUND

Identifying the trafficking of illegal drugs as one of the Philippines' top social problems, President Rodrigo Duterte's 2016 election campaign promised to crush criminality and corruption within six months. During his campaign, President Duterte publicly advocated for the extrajudicial killing of suspected drug dealers and users.

Since President Duterte took office on 30 June, over 4,800 people have been killed. Over 3,000 of those have died in extrajudicial or vigilante-style killings, while more than 1,800 have been killed in police operations. President Duterte has admitted that innocent civilians may have been killed in the crackdown, referring to them as "collateral damage." Fearing execution, almost 750,000 alleged drug dealers have surrendered to police. An additional 30,000 people have been arrested.

Unlawful violence against civilians shows no sign of abating. During October, the Philippines Senate Committee announced that investigations into extrajudicial killings would be abandoned. This came shortly after the former Chair of the Committee, Senator Leila De Lima, was removed from her post after publicly criticizing the President's campaign of state-led violence.

In addition to police violence, unidentified gunmen continue to carry out targeted killings of alleged drug users and traffickers, as President Duterte has publicly encouraged vigilante groups to join his campaign. Some civilians whose names have appeared on wanted lists and have reported to police, have subsequently been targeted by vigilante groups and murdered.

ANALYSIS

Under the current government, Filipinos are at growing risk of grave violations that may amount to crimes against humanity. The Senate and the House of Representatives are now

dominated by President Duterte's allies, allowing extrajudicial killings to continue without the prospect of due process or accountability under the formal justice system.

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

The government of the Philippines is ignoring its Responsibility to Protect all Filipinos, including those accused of breaking the law.

INTERNATIONAL RESPONSE

The international community has expressed grave concern about the increase of state violence in the Philippines. President Duterte has responded to criticism of his policies with derision. On 3 November the spokesperson for the Philippines National Police responded to criticisms by the Global Centre for the Responsibility to Protect and others by inviting international human rights organizations to visit the Philippines and investigate.

On 15 September the European Parliament condemned the spate of extrajudicial killings and urged the government to immediately stop the violence. Members of the European Parliament called upon the EU to carefully monitor the deteriorating human rights situation in the Philippines.

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 exacerbate discrimination, hostility and violence and encourage the commission of crimes which, if widespread and systematic, may amount to crimes against humanity." He urged President Duterte to support credible investigations of extrajudicial killings.

On 13 October the Prosecutor of the ICC, Fatou Bensouda, declared that her office will be closely monitoring the situation, considering a possible preliminary examination into the ongoing violence.

On 1 November the United States halted the sale of 26,000 assault rifles to the Philippines National Police, citing concerns over recent human rights violations.

NECESSARY ACTION

National authorities in the Philippines must restore respect for rule of law and immediately halt widespread extrajudicial killings. The government must investigate extrajudicial and vigilante killings and hold perpetrators accountable for their crimes.

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

MORE INFORMATION

- » Statement by Mr. Adama Dieng, UN Secretary-General's Special Adviser on the Prevention of Genocide, on the situation in the Philippines, 30 September 2016
- » Populations at Risk: Philippines

R2P MONITOR

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