

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.



465,000+
people killed

5 million
refugees

13.5 million in need
of humanitarian aid

SYRIA

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

BACKGROUND

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

For over five years the UN Human Rights Council-mandated Commission of Inquiry (CoI) has reported that government forces have committed war crimes and crimes against humanity as a matter of state policy. Numerous armed opposition groups have also committed war crimes and violated international humanitarian law (IHL). On 6 September 2017 the CoI reported that a number of local ceasefire deals negotiated by parties to the conflict has resulted in the forced displacement of civilians, which constitutes a war crime.

Despite political negotiations in both Geneva and Astana aimed at ending the civil war, intense fighting between Syrian government forces and armed opposition groups continues. The Syrian Observatory for Human Rights (SOHR) documented the deaths of 790 civilians, including 203 children, during August.

The so-called Islamic State of Iraq and the Levant (ISIL) also poses a direct threat to civilians, and its fighters have carried out crimes against humanity, including mass killings and sexual enslavement in areas under their control. According to the SOHR, ISIL has killed at least 3,700 civilians in Syria since June 2014.

The Syrian Democratic Forces (SDF), a coalition of armed opposition groups, launched an offensive against ISIL's self-proclaimed capital of Ar-Raqqah city on 6 June, with air support from a United States-led international coalition. According to the Office of the High Commissioner for Human Rights (OHCHR) an estimated 15,000 civilians are still trapped within the city, and at least 151 civilians died during August due to air strikes and ongoing fighting.

The Organization for the Prohibition of Chemical Weapons-Joint Investigation Mechanism (OPCW-JIM) has previously determined that Syrian government forces used chlorine gas in three separate incidents between 2014 and 2015 and that ISIL was responsible for a 2015 sulfur-mustard attack. The use of chemical weapons is a war crime and also directly contravenes UN Security Council (UNSC) Resolution 2118. On 6 September the CoI determined the Syrian air force was responsible for a 4 April sarin attack on the town of Khan Shaykhun, in which more than 80 people, including children, were killed.

Russia, Iran and Hezbollah militias continue to provide essential economic and military support to the Syrian government. Since September 2015 Russian airstrikes have largely targeted opposition forces and civilian areas outside government control, despite the Russian government claiming their operations are focused on ISIL. The SOHR reported that Russian airstrikes have killed 3,646 ISIL fighters and 5,322 civilians, including 1,308 children, as of 30 July. According to the SOHR, airstrikes by the United States-led coalition have also killed at least 1,961 civilians since September 2014.

ANALYSIS

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

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

in civilian casualties during United States-led coalition airstrikes on ISIL also raises serious concerns regarding potential violations of IHL.

Saudi Arabia, Turkey and Qatar continue to provide crucial assistance to some armed opposition groups. However, the fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. Meanwhile, 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 CoI, 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. Since 2013, the UNSC has passed resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several of these refer to the government's responsibility to protect populations, but none have been fully implemented. Meanwhile, Russia and China have jointly vetoed six UNSC draft resolutions and Russia has independently vetoed a further two resolutions. On 12 April Russia vetoed a resolution that would have condemned the Khan Shaykhun attack and obligated the Syrian government to comply with the OPCW-JIM's recommendations.

On 21 December the UN General Assembly voted to establish an International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of perpetrators of atrocities in Syria. The UN Human Rights Council has adopted 22 resolutions condemning atrocities in Syria. The latest, adopted on 23 June, called upon all member states to actively support the IIIM. The resolution also demands the Syrian authorities uphold their responsibility to protect the population.

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. The UNSC should demand UN access to monitor any voluntary

evacuations, as well as de-escalation zones and local ceasefires, in order to ensure the wellbeing of civilians.

UN member states should fully cooperate with the IIIM and facilitate its work through the provision of voluntary funding. The IIIM should be incorporated into the UN's regular budget.

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

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

MORE INFORMATION

- » [UN General Assembly Resolution, A/RES/71/248](#), 21 December 2016
- » [HRC Resolution, A/HRC/35/L.9](#), 16 June 2017
- » [Report of the Independent International Commission of Inquiry on the Syrian Arab Republic A/HRC/36/55](#), 8 August 2017
- » [GCR2P Populations at Risk: Syria](#)



829,000+ people currently displaced from Mosul

11 million Iraqis in need of humanitarian assistance

IRAQ

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

BACKGROUND

During July 2014 ISIL seized vast territory across northern Iraq. Following an eight-month offensive, on 9 July 2017 a

coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support, announced the successful recapture of Mosul, inflicting a serious defeat upon the armed extremist group. According to the UN High Commissioner for Refugees, during the battle at least 920,000 people were displaced from the city.

ISIL still controls pockets of territory across northern Iraq. Between 20-31 August the ISF successfully liberated Tel Afar from the group. According to OCHA, at least 42,000 people fled the district ahead of the battle. Sporadic clashes continue in Mosul and across Nineveh governorate, limiting the ability of the 829,700 people still displaced by fighting to return home.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minorities, including Christians, Shabak, Yazidis and Turkmen, causing their mass displacement. The UN Assistance Mission for Iraq (UNAMI) and OHCHR have reported that ISIL's violations, "may amount to war crimes, crimes against humanity and possibly genocide." The Commission of Inquiry on Syria has also reported that ISIL "has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis" in Iraq. It is estimated that approximately 3,300 members of the Yazidi community remain in ISIL captivity, including over 1,600 Yazidi women and girls.

OHCHR has reported that during military operations against ISIL the extremist group has abducted families and moved them to strategic locations to be used as human shields. Hundreds of civilians who resisted have been killed. ISIL fighters also targeted and killed civilians attempting to flee Mosul.

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

ISIL also routinely targets civilians from the majority Shia population in sectarian attacks. On 14 September coordinated attacks on a restaurant and security checkpoint in Nasiriyah, within the predominately Shia populated south of the country, killed at least 50 people.

The United States-led coalition has been conducting airstrikes against ISIL in Iraq since August 2014, following the Iraqi government's request for assistance after the group seized the northern town of Sinjar. The coalition has been responsible for hundreds of civilian deaths so far this year, including up to 200 civilians killed in a single airstrike in Mosul on 17 March.

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

Iraq that have been reclaimed from ISIL," particularly Fallujah and Mosul. On 5 June Human Rights Watch reported that at least 26 bodies of blindfolded and handcuffed men have been found in government-held areas in and around Mosul since October 2016. Since the city was retaken, further reports have emerged regarding torture, extrajudicial killings and other violent reprisals against suspected members of ISIL.

The OCHA estimates that as of June 2017, eleven million people in Iraq – one third of the population – are still in need of humanitarian assistance, with 3.4 million people internally displaced.

ANALYSIS

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

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

As IDPs return and rebuilding efforts get underway, the Iraqi government must take practical steps to facilitate reconciliation amongst the various ethnic and religious communities in northern Iraq and minimize the risk of recurring violence. The upcoming independence referendum in Kurdistan is likely to further complicate regional politics.

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 member states, as well as Albania and Canada, have provided assistance to Kurdish fighters battling ISIL.

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

On 18 August 2016 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 15 August 2017 the UN Secretary-General transmitted a letter from the Minister of Foreign Affairs of Iraq to the UNSC requesting international assistance to pursue accountability for atrocities perpetrated by ISIL in Iraq.

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 anti-ISIL military coalition take effective measures to ensure the consistent protection of civilians.

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

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

MORE INFORMATION

- » [UNAMI Website](#)
- » [“Human Rights, Every Day, for All Iraqis: Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq,” UNAMI and OHCHR, 22 August 2017](#)
- » [GCR2P Populations at Risk: Iraq](#)



5,100+ civilians killed

Over 658,000 cases
of cholera since May

YEMEN

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

BACKGROUND

Violence between Houthi rebels and various pro-government forces, as well as Saudi-led coalition airstrikes, have killed more than 10,000 people, including over 5,100 civilians, since March 2015. On 16 August a draft report by the UN Secretary-General on children and armed conflict documented the deaths of 502 children in Yemen during 2016, noting that the Saudi-led international coalition was responsible for killing or wounding at least 683 children, while the Houthis were responsible for 414 casualties.

Despite several temporary ceasefire agreements and intermittent UN-brokered peace talks between the government and Houthi rebels, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. The last attempted ceasefire, on 19 November 2016, collapsed within 48 hours and political negotiations have been suspended for over a year. During recent months, fighting has escalated across Taizz governorate and around Sana'a. Indiscriminate shelling continues and OCHA estimates that 70 percent of the wounded in Taizz city are women and children.

Yemen is now the largest humanitarian crisis in the world. More than 2.9 million Yemenis have been forcibly displaced while an estimated 18.8 million people - over two thirds of the population - require humanitarian assistance. Since a cholera outbreak began in May, over 658,000 cases have been reported and approximately 2,050 people have died.

During 2014, amidst a UN-facilitated political transition process, the Houthis, an armed Shia movement from northeast Yemen, and military units loyal to deposed 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. Despite military setbacks, Houthis and pro-Saleh forces still control much of western Yemen.

Throughout the conflict Houthi and government-allied forces have targeted civilian infrastructure, including schools and hospitals, as well as international humanitarian workers. The UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, has said that respect for the distinction between civilian and military targets has been “woefully inadequate” by both sides. According to OHCHR the conflict has also increased religious persecution of the country's Bahá'í population.

OHCHR has reported that both sides have committed violations of IHL and violations and abuses of IHRL. On 19 December 2016 Saudi Arabia confirmed that it had used illegal cluster munitions in Yemen. On 20 April Human Rights Watch reported that Houthi-Saleh forces have used banned anti-personnel mines, hindering the return of displaced civilians. UNICEF has also reported that over 1,500 child soldiers were recruited during 2016, noting the actual number is likely much higher. The use of child soldiers is a war crime.

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

ANALYSIS

Various parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. The ongoing conflict has resulted in a humanitarian catastrophe in which at least seven million people are at risk of famine.

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

While Saudi Arabia remains the main force backing the regional military coalition, Iran has allegedly provided military assistance to the Houthis. Former Yemeni President Saleh has publicly called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have also 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

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

The UNSC imposed sanctions on former President Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC passed Resolution 2216, establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding the Houthis withdraw from all areas 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 13 December 2016 the United States announced that because of concerns regarding Yemen, it would halt some arms sales to Saudi Arabia. However, during President Donald Trump's May 2017 visit to Saudi Arabia, the United States announced a potential arms deal worth almost \$110 billion, including ending the moratorium on selling precision-guided munitions.

On 15 June the UNSC adopted a Presidential Statement calling for greater facilitation of humanitarian access and deployment of additional monitors for the UN Verification and Inspection Mechanism for Yemen (UNVIM). The statement also called for a durable cessation of hostilities.

On 5 September OHCHR released a report on Yemen and called for the establishment of an international, independent body to investigate violations of IHL and violations and abuses of IHRL in Yemen.

NECESSARY ACTION

The dire humanitarian situation in Yemen is a direct result of the armed conflict and requires a political solution. The UNSC and regional powers need to facilitate a sustained ceasefire and ensure that parties to the conflict return to substantive peace negotiations.

The distinction between military and civilian targets is central to IHL and must be adhered to at all times. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including cluster munitions and landmines. UN member states should also immediately halt the sale of weapons to parties to the conflict who have been implicated in violations of international law.

All parties to the conflict must also ensure the full and effective functioning of the humanitarian lifeline of Hodeidah Port, based on the recommendations of the UNSC Panel of Experts. The four cranes available to facilitate the delivery and processing of imports at Hodeidah should be installed immediately and

UNVIM should be strengthened. Parties to the conflict should also facilitate the re-opening of Sana'a airport.

The UN Human Rights Council should establish an independent, international commission of inquiry to investigate potential mass atrocities committed in Yemen since March 2015.

MORE INFORMATION

- » [HRC Resolution, A/HRC/33/16](#), 30 September 2016
- » [UNSC Presidential Statement, S/PRST/2017/7](#), 15 June 2017
- » [The situation of human rights in Yemen, including violations and abuses since September 2014](#), OCHCR, 5 September 2017
- » [GCR2P Populations at Risk: Yemen](#)



389,000 ethnic Rohingya civilians, including 240,000 children, fled to Bangladesh between 25 August and 15 September

MYANMAR (BURMA)

Recent "clearance operations" by the security forces in Myanmar (Burma) constitute a policy of ethnic cleansing directed at the Rohingya population of northern Rakhine State.

BACKGROUND

Myanmar security forces have been carrying out "clearance operations" in Rakhine State since 25 August, after an armed group calling itself the Arakan Rohingya Salvation Army (ARSA) carried out coordinated attacks on multiple police posts and an army base. Since then there have been widespread reports of the security forces imposing collective punishment upon the ethnic Rohingya community in northern Rakhine, including the unlawful killing of civilians, mass displacement and the burning of villages. The authorities have evacuated some non-Muslim civilians from affected areas, but at the time of publication, more than 389,000 refugees – mostly Rohingya – have fled across the border to Bangladesh to escape violence.

On 11 September the UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, said that actions taken by the Myanmar authorities during the "clearance operations" represent a "textbook example of ethnic cleansing." There have been reports

of the Myanmar authorities placing landmines along the border with Bangladesh to prevent Rohingya from returning. Meanwhile, a government spokesman declared on 13 September that the security forces have successfully emptied 176 ethnic Rohingya villages targeted during "clearance operations."

The current crisis in Myanmar comes less than a year after the government conducted a four-month counter-insurgency operation in northern Rakhine state following attacks on border guard posts by armed militants. During the October 2016-February 2017 operation there were reports of mass arrests, torture, enforced disappearance, rape and other forms of sexual violence, extrajudicial killings, as well as widespread destruction of Rohingya homes and mosques. OHCHR alleged that the "widespread and systematic" attacks against Rohingya during these operations may have amounted to crimes against humanity. The government has utilized several internal investigations to deny the allegations, but international observers have dismissed them for lacking impartiality and credibility.

On 24 March the UN Human Rights Council mandated "an independent international fact-finding mission" into allegations of human rights violations and abuses by the security forces in Myanmar, particularly in Rakhine state. The government has stated that it will not permit the mission to enter Myanmar.

The Rohingya, a distinct Muslim ethnic minority group, have been systematically marginalized by discriminatory laws in Myanmar. The 1982 Citizenship Law does not recognize the Rohingya as one of Myanmar's "national races," rendering a population of over one million people stateless. Rohingyas are subject to severe restrictions on their freedom of movement as well as access to employment and education. The Myanmar government denied Rohingyas the ability to self-identify on the 2014 national census, the first since 1983. Rohingyas were also largely disenfranchised in advance of Myanmar's historic November 2015 elections. Rohingyas' rights are further limited by the so-called Protection of Race and Religion laws, which were passed by the previous government in 2015 and place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights.

Rohingyas and the other Muslim populations in Myanmar have also been the victims of inter-communal violence, often incited by Buddhist chauvinist groups. Clashes between Rakhine Buddhists and Rohingya Muslims in 2012 left nearly 200 people dead and 140,000 displaced.

The Advisory Commission on Rakhine State, mandated by the government to provide recommendations on "measures for finding lasting solutions to the complex and delicate issues in Rakhine State," submitted its final report to the Myanmar authorities on 24 August. Led by former UN Secretary-General Kofi Annan, the Commission offered practical recommendations that address the root causes of conflict in Rakhine, including through reforming the 1982 Citizenship Law.

Conflict is also ongoing in other parts of Myanmar. Despite the previous government signing ceasefire agreements with several ethnic armed groups, fighting in Kachin and Shan states has displaced an estimated 98,000 people according to OCHA.

ANALYSIS

The ongoing “clearance operations” pose an existential threat to the Rohingya population as the security forces impose collective punishment upon civilians for the actions of ARSA. The use of landmines along the border with Bangladesh, as well as the authorities requiring refugees reentering Myanmar to prove their nationality, is prohibiting the return of stateless Rohingya to their homes.

The rejection of the UN fact-finding mission is a further setback regarding accountability for systematic violations and abuses of human rights. The government's refusal to end discriminatory state policies regarding the Rohingya has encouraged violations of their fundamental human rights and reinforced the dangerous perception of them as ethnic outsiders. The 1982 Citizenship Law and the Protection of Race and Religion laws are intended to eradicate the Rohingya's legal right to exist as a distinct ethnic group in Myanmar. The government has not taken any significant steps to repeal discriminatory laws and end anti-Rohingya policies.

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.

Following a 12-day visit to Myanmar during July, the UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, highlighted the worsening human rights situation in the country and expressed disappointment that the policies of the current government are reminiscent of those of the previous military junta. On 31 August Special Rapporteur Lee called upon the government of Myanmar to allow humanitarian agencies access and urged authorities “to give equal protection to people from all communities.”

On 2 September UN Secretary-General António Guterres sent a letter to the President of the UNSC, urging Council members to address the situation in Rakhine State and help prevent “a humanitarian catastrophe with implications for peace and security that could continue to expand beyond Myanmar's borders.”

Despite the magnitude of the crisis the UNSC has not issued a Presidential statement nor adopted a resolution on the situation in Myanmar.

NECESSARY ACTION

States should immediately suspend all formal collaboration and training programs with the Myanmar military and police who are conducting a campaign of ethnic cleansing in Rakhine State in direct violation of international law.

The UNSC should take meaningful action to help end atrocities in Myanmar, including by formally calling upon State Counsellor Aung San Suu Kyi and Sr. Gen. Min Aung Hlaing to immediately stop the killings, and facilitate the safe voluntary return of displaced Rohingya civilians.

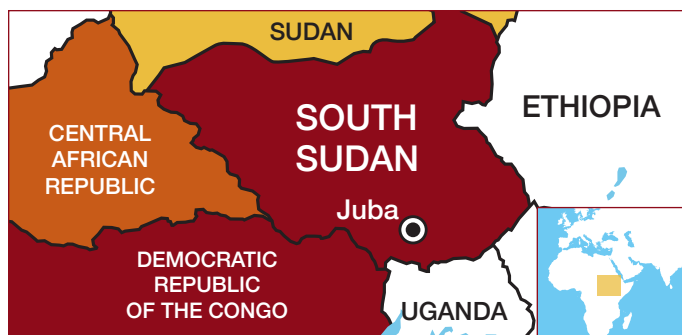
The Myanmar government should also permit the UN Human Rights Council-mandated Fact-Finding Mission to enter Rakhine State and expeditiously implement the recommendations of the Advisory Commission led by former UN Secretary-General Kofi Annan.

The government should also permit humanitarian and human rights organizations unhindered access to vulnerable populations in Rakhine, Kachin and Shan states.

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

MORE INFORMATION

- » [Report of OHCHR mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016](#), 3 February 2017
- » [HRC Resolution, A/HRC/34/L.8/Rev.1](#), 24 March 2017
- » [Report of the Advisory Commission on Rakhine State, "Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine,"](#) August 2017
- » [Letter from the UN Secretary-General to the UNSC, S/2017/753](#), 2 September 2017
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)



Since December 2013, 4 million South Sudanese people – nearly one-third of the population – have fled their homes

SOUTH SUDAN

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

BACKGROUND

Despite President Salva Kiir and opposition leader Riek Machar formally ending the country's 2013-2015 civil war by signing the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" (ARCSS), conflict between the Sudan People's Liberation Army (SPLA) and SPLA in Opposition (SPLA-IO) remains unresolved. Since the beginning of 2017 fighting between the SPLA and the SPLA-IO and other rebel militias has continued in various parts of the country. As part of the government's attempt to eliminate all armed opposition, the SPLA retook the rebel stronghold Pagak in Upper Nile state during July, but it was subsequently recaptured by the SPLA-IO on 7 August.

During February a confidential UN report warned that endemic violence in South Sudan had already reached "catastrophic proportions." Civilians who have fled recent fighting reported deliberate targeting of civilians, destruction of homes, sexual violence, and looting of livestock and property.

Tensions between various ethnic groups have also increased as a result of territorial disputes and cattle raids, resulting in sporadic clashes and deaths throughout the country. In Gogrial and Warrap states the government declared a state of emergency on 18 July after inter-communal fighting. On 7 August clashes in Gok state between some members of the Waat and Ayiel ethnic groups resulted in at least 25 deaths

Since December 2013 an estimated 4 million South Sudanese have been forced to flee their homes, mainly due to conflict between the SPLA and SPLA-IO. On 17 August the number of South Sudanese refugees in Uganda exceeded the 1 million mark. Another 1 million refugees are located in Sudan, Ethiopia, Kenya and the Democratic Republic of the Congo. Parts of South Sudan have recently experienced famine, which the

UN Humanitarian Coordinator for South Sudan called a "man made" situation, while the government has been accused of intentionally denying aid to civilians in rebel-held areas.

In addition to the latest fighting, there are constant rumors of internecine power struggles within the government. On 9 May President Kiir fired controversial army chief Paul Malong. On 13 May seven opposition groups, including the SPLA-IO, agreed to combine their efforts to oust the government. On 26 July President Kiir and various opposition groups signed the Entebbe Declaration to re-unify the Sudan People's Liberation Movement.

Fighting between the SPLA and SPLA-IO initially reignited during July 2016 when widespread violence broke out in Juba. In response, on 12 August 2016 the UNSC adopted Resolution 2304, authorizing the deployment of the 4,000-strong Regional Protection Force (RPF), proposed by the Intergovernmental Authority on Development (IGAD), to support the UN Mission in South Sudan (UNMISS). After multiple delays imposed by the government, RPF troops started to arrive during April.

The ARCSS called for a permanent ceasefire, as well as the establishment of an independent Hybrid Court for South Sudan (HCSS) to investigate atrocities committed during the conflict. Between 2013-2015 at least 50,000 people were killed as parties to the civil war engaged in war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence, with both sides targeting civilians as part of their military tactics. The government has repeatedly delayed the formation of the HCSS. On 26 July 2017 the African Union (AU) and the government of South Sudan finally issued a joint roadmap for the establishment of the Hybrid Court, and the two parties have since created a Memorandum of Understanding which the Minister of Justice has presented to the government.

ANALYSIS

Political instability and armed violence have been pervasive in South Sudan for the majority of its six years of independence. The resumption of widespread fighting leaves civilians at risk of further mass atrocity crimes. The rainy season is having an additional adverse affect on the humanitarian situation in South Sudan, leaving 60 percent of the country inaccessible. The government continues to obstruct UNMISS and humanitarian organizations while spending a large part of its national budget on arms.

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

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, including 15 so far this year.

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

INTERNATIONAL RESPONSE

During May 2017 the UNSC adopted Resolution 2253 extending the sanctions regime until 31 May 2018 and the mandate of the Panel of Experts until 30 June 2018. Six senior military figures, three from both the SPLA and SPLA-IO, are currently subject to sanctions.

On 15 December the UNSC adopted a resolution extending UNMISS' mandate for an additional year. The resolution also authorized UNMISS to monitor, investigate and report on incidents of hate speech and incitement to violence in cooperation with the UN Office on Genocide Prevention and the Responsibility to Protect. On 23 December the UNSC failed to adopt a resolution authorizing an arms embargo and further targeted sanctions when eight members of the Council abstained from voting.

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

On 4 July the IGAD Council of Ministers approved the implementation plan for a High-Level Revitalization Forum and scheduled its first meeting for September. Representatives of the SPLA-IO will be asked to attend the meeting, but Machar is not invited.

NECESSARY ACTION

The government must fully implement all provisions of the ARCSS and UNSC Resolution 2304. The government, SPLA, SPLA-IO and affiliated militias must ensure that UNMISS is able to move freely and without threats to their personnel. The inviolability of UN compounds must be respected. UNMISS must be enabled to fully implement its mandate, especially regarding providing robust 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 and the government should expeditiously establish the HCSS in accordance with the 26 July roadmap and ensure it has the resources to investigate and prosecute individuals

responsible for mass atrocities committed since December 2013. The government, AU and international community must hold those responsible for atrocities in South Sudan accountable, regardless of their affiliation or position.

MORE INFORMATION:

- » [UNMISS Website](#)
- » [UNSC Resolution, S/RES/2327](#), 15 December 2016
- » [HRC Resolution, A/HRC/34/L.34](#), 20 March 2017
- » [GCR2P Populations at Risk: South Sudan](#)



3.8 million IDPs

80+ mass graves
discovered in Kasai
region since January

DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the eastern and Kasai regions of the Democratic Republic of the Congo are facing mass atrocity crimes as a result of ongoing violence between security forces and various militias.

BACKGROUND

Tensions between the government of the Democratic Republic of the Congo (DRC) and a local militia following the killing of their chief, Kamuina Nsapu, has resulted in atrocities perpetrated against populations in Kasai, Kasai Central and Kasai Oriental provinces since August 2016. Inter-ethnic conflict has become a dominant characteristic of the violence and the Catholic Church in the DRC has reported that over 3,000 people have been killed. According to OCHA, of the 3.8 million IDPs in the DRC, over 1.4 million are in the Kasai region.

The UN Joint Human Rights Office in the DRC (UNJHRO) has found at least 80 mass graves in the Kasai region since January, with responsibility for most of these attributed to the government's armed forces (FARDC). On 4 August OHCHR released a report implicating the FARDC and local government officials in actively fomenting ethnic violence in the Kasai region and in supporting the formation of a pro-government militia, Bana Mura.

OHCHR has documented evidence of the FARDC, Kamuina Nsapu and Bana Mura all committing extrajudicial killings. On 2 June the UN's stabilization mission in the DRC (MONUSCO) reported at least 639 schools and a number of health centers in the Kasai region have been destroyed or attacked during fighting. The UN has also documented hundreds of children being used as combatants or human shields by Kamuina Nsapu, as well as sexual violence perpetrated against young girls. Meanwhile, Bana Mura has targeted populations based upon ethnicity, mutilated women and children, and destroyed villages of alleged supporters of Kamuina Nsapu.

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

The risk of political violence as a result of the postponed 2016 elections also remains high. Security forces have been accused of using excessive force against opposition demonstrators, including on 20 December 2016 – the day after President Joseph Kabila's constitutional mandate ended. UNJHRO recorded 98 civilians killed by security forces during protests in September and December 2016.

As a result of a failure to hold elections during 2016, mediation between the government and opposition took place under the aegis of the Conference Episcopale du Congo (CENCO). On 31 December the 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. The government has declared that it lacks the capacity to hold elections during 2017.

ANALYSIS

Rising tensions in areas that have been relatively calm in recent years, including the Kasais, is indicative of the enduring challenge of effective governance and political stability in DRC. The growth in inter-ethnic violence in the Kasai region and evidence implicating the government in attacks targeting certain ethnic groups increases the risk of further atrocities. The situation in the Kasais has also created an enormous humanitarian crisis, placing additional strain on a country that was already home to over 2 million IDPs and tens of thousands of refugees from neighboring countries.

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.

The government has often failed to hold members of the FARDC accountable for systematic human rights violations. Despite diplomatic pressure from the international community, the government has not undertaken a meaningful investigation into allegations that hundreds of people have been killed by the FARDC in the Kasai region. Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk of further instability and conflict.

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

INTERNATIONAL RESPONSE

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

The UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, gave the government an 8 June deadline to establish a credible investigation into the violence in the Kasai region, which it failed to meet. On 23 June the UN Human Rights Council passed a resolution mandating the High Commissioner to appoint a team of international experts to collect evidence and determine responsibility for possible atrocities perpetrated in the Kasai region.

On 31 May the European Union imposed sanctions on nine individuals with command responsibility for security forces involved in deadly violence against protestors. The following day the United States issued sanctions against François Olenga for command responsibility of the Republican Guard during violence against the political opposition in Kinshasa. The UNSC also currently subjects 9 entities and 31 individuals connected to armed groups in the eastern DRC to sanctions.

On 27 July the UNSC issued a Presidential Statement calling upon parties to the 31 December CENCO agreement to remain committed to its implementation. The UNSC also condemned violence in the Kasai region.

NECESSARY ACTION

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

The government must urgently address allegations of the security forces using disproportionate and deadly force 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.

The government should fully cooperate with the Human Rights Council-mandated international team of experts, provide access to all relevant sites and establish a credible domestic investigative mechanism. If the government fails to fulfill its

promises in this regard, the ICC and UNSC should be prepared to act to ensure accountability.

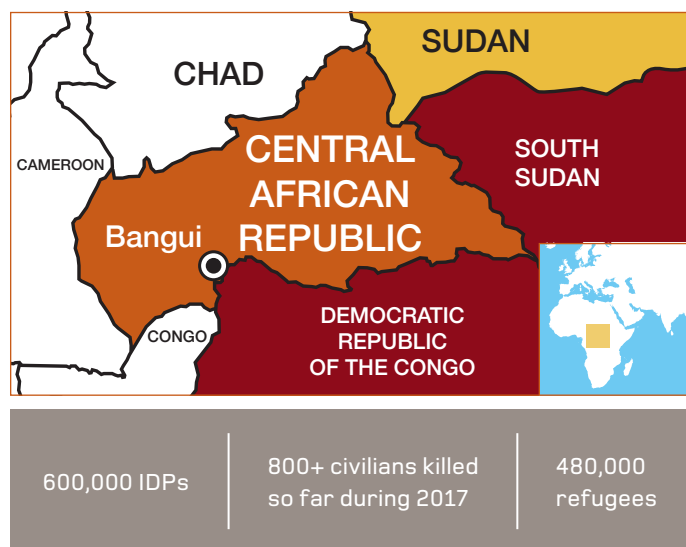
The government must take meaningful steps towards ensuring a timely and peaceful transition of power in the DRC, including implementation of the CENCO agreement.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution, S/RES/2348](#), 31 March 2017
- » [UNSC Presidential Statement, S/PRST/2017/12](#), 27 July 2017
- » [GCR2P Populations at Risk: DRC](#)

IMMINENT RISK

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



CENTRAL AFRICAN REPUBLIC

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

BACKGROUND

Civilians in the Central African Republic (CAR) continue to face an imminent risk of mass atrocity crimes. Escalating attacks since May 2017, including in areas previously unaffected by large-scale fighting, have resulted in hundreds of people killed and tens of thousands displaced.

The recent violence, largely concentrated in the central and eastern prefectures of Mbomou, Haute-Kotto and Basse-Kotto, is primarily driven by three armed groups: the predominantly Christian anti-balaka and two former members

of the mostly Muslim Séléka rebel alliance, the Union pour la Paix en Centrafrique (UPC) and the Front Populaire pour la Renaissance de la Centrafrique (FPRC). Sporadic violence is also occurring in the northwest of CAR, particularly in Batangafo and Ngaoundaye. The UN Children's Agency (UNICEF) has warned that children have been targeted during recent attacks on villages, with reports of rape, abduction and recruitment into armed groups. According to a letter sent to the UN Secretary-General by six humanitarian organizations, at least 821 civilians have been killed so far this year.

The FPRC, at times in collaboration with anti-balaka, have systematically targeted ethnic Fulani for attack. In response, armed Fulani self-defense groups have allegedly perpetrated violent reprisals, sometimes in collaboration with the UPC. Anti-balaka militias also continue to target Muslim communities.

Humanitarians and peacekeepers have also been targeted in recent attacks. Nine peacekeepers from the UN mission in CAR (MINUSCA) have been killed in and around Bangassou, the capital of Mbomou prefecture, since the beginning of 2017. In Gambo, near Bangassou, fighting between anti-balaka and suspected members of the UPC from 3-8 August resulted in the death of six Red Cross workers and an estimated thirty civilians. Several humanitarian agencies have suspended their work in Kaga-Bandoro, Bangassou and Zemio.

The current crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the Séléka rebel alliance. Abuses by the Séléka led to the formation of anti-balaka militias. A report published by MINUSCA and OHCHR during May 2017 found that both sides of the conflict may have committed war crimes and crimes against humanity between 2013-2015. There are currently over 600,000 IDPs in CAR – an increase of

at least 160,000 people since the end of April – and more than 480,000 people are still taking refuge in neighboring countries.

ANALYSIS

Governmental control remains extremely limited in most areas outside Bangui, allowing rival armed groups to expand their influence. In addition to the anti-balaka, UPC and FPRC, at least 11 other armed groups operate throughout CAR with shifting alliances. These groups compete for territory, power and resources, including several mining sites.

Attacks by the anti-balaka and FPRC against Muslim and Fulani communities demonstrate the ongoing threat of civilians being targeted because of their religious or ethnic identity. The anti-balaka have engaged in hate speech and incitement of violence against Muslims, referring to them as “foreign mercenaries” who must be “driven out” of the country.

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

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

INTERNATIONAL RESPONSE

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

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

On 23 May 2017 the Prosecutor of the ICC issued a statement regarding the “serious crimes committed against civilians, peacekeepers and humanitarian workers,” noting that such crimes may fall under the court's jurisdiction. In a 13 July Presidential Statement, the UNSC emphasized that deliberate attacks on civilians and humanitarian workers constitute crimes under international law.

NECESSARY ACTION

The UNSC should increase the number of troops within MINUSCA. MINUSCA must be able to deploy rapidly to all areas where civilians lack sufficient protection and improve its capacity to anticipate and respond to emerging security threats. The creation of additional Quick Reaction Forces could potentially improve MINUSCA's capacity in this regard.

Notwithstanding its numerous reconstruction, reconciliation and security challenges, the government should prioritize accountability for mass atrocity crimes, including by cooperating with the ICC. Financial and logistical resources are needed to operationalize the Special Criminal Court.

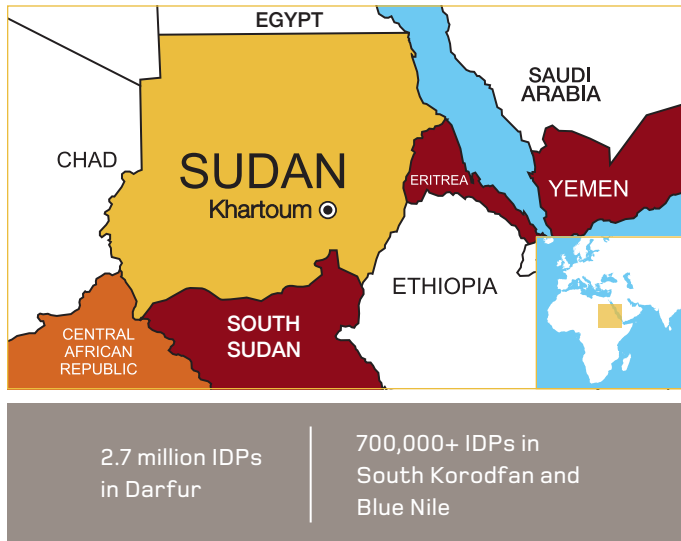
The international community must continue to assist the government to uphold its Responsibility to Protect, including through supporting structural reforms of the justice and security sectors.

MORE INFORMATION

- » [MINUSCA Website](#)
- » [UNSC Presidential Statement, S/PRST/2017/9](#), 13 July 2017
- » [Report of the Independent Expert on the situation of human rights in the Central African Republic, A/HRC/36/64](#), 28 July 2017
- » [GCR2P Populations at Risk: Central African Republic](#)

SERIOUS CONCERN

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



SUDAN

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

BACKGROUND

For six years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in armed 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 253,000 people have fled to South Sudan and 41,600 to Ethiopia. The government of Sudan prohibits access to South Kordofan and Blue Nile and continues to systematically obstruct aid from reaching vulnerable civilians. During July the UN Independent Expert on the human rights situation in Sudan reported that despite a significant decline in fighting during the first half of 2017, recurring armed conflict continues to pose a serious threat to civilians in Darfur, South Kordofan and Blue Nile.

The SAF has previously committed war crimes, including extrajudicial killings, forced displacement and widespread sexual violence, against civilians in South Kordofan, Blue Nile and Darfur. It has also engaged in "scorched earth" tactics, systematically targeting food sources and deliberately destroying civilian infrastructure, including health facilities. Amnesty International has also reported evidence that the SAF perpetrated at least 30 suspected chemical weapons attacks against civilians in Darfur between January and September 2016.

The SPLM-N, and its armed wing the SPLA-N, has also previously perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel. A growing political divide within the SPLM-N's leadership has led to violent clashes along ethnic lines between rival SPLA-N forces in parts of Blue Nile during May and June.

During 2016 the AU High Level Implementation Panel (AUHIP) for Sudan proposed a Roadmap agreement to help end the conflicts in Darfur, South Kordofan and Blue Nile. Despite the Sudanese government and a number of rebel groups, including the SPLM-N, signing the Roadmap, the parties failed to agree on a permanent cessation of hostilities. On 2 July President Omar al-Bashir extended a unilateral ceasefire for Darfur, Blue Nile and South Kordofan until 31 October 2017. On 31 July the SPLM-N declared a unilateral ceasefire until 31 January 2018.

Civilians in Darfur continue to face the threat of recurring inter-communal violence, as well as attacks by the SAF and Rapid Support Forces (RSF), a pro-government militia. Heavy clashes in Jebel Marra, North Darfur, between the government and the Sudan Liberation Army-Abdul Wahid led to the displacement of over 140,000 civilians during 2016. As of December, a total of 2.7 million people were still displaced in Darfur. On 3 May 2017 the Sudan Liberation Army-Minni Minnawi and the Justice and Equality Movement extended their unilateral ceasefire for an additional six months. During May the AU and UN reported that the overall security situation in parts of Darfur remains precarious due to activities of militia groups and the proliferation of arms.

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

ANALYSIS

The government has a history of perpetrating atrocities in Darfur, South Kordofan and Blue Nile. It has consistently defied external pressure to hold perpetrators accountable.

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. Previous attacks on civilian areas by the SAF and SPLA-N demonstrate an unwillingness to distinguish between combatants and civilians, actions that may amount to war crimes and crimes against humanity.

Since its deployment in Darfur in 2008, UNAMID has been unable to provide adequate protection to civilians. Sporadic 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 war crimes, while restrictions on UNAMID's freedom of movement contravene the Status of Forces Agreement between the UN, AU and Sudan. While the overall level of violence in Darfur has decreased in recent years, several areas, especially Jebel Marra, still require a robust peacekeeping presence.

International pressure is necessary to ensure that the government of Sudan upholds its Responsibility to Protect and is held accountable for perpetrating mass atrocity crimes in South Kordofan, Blue Nile and Darfur.

INTERNATIONAL RESPONSE

The UNSC has adopted at least 57 resolutions on Sudan since 2004, most of which have not been fully implemented.

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 2363, which extended UNAMID's mandate until 30 June 2018. The resolution emphasized the need to hold perpetrators accountable and that the government of Sudan "bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes." The Council mandated a phased reduction of the military component of UNAMID by 44 percent and the police component by 30 percent over the next twelve months.

NECESSARY ACTION

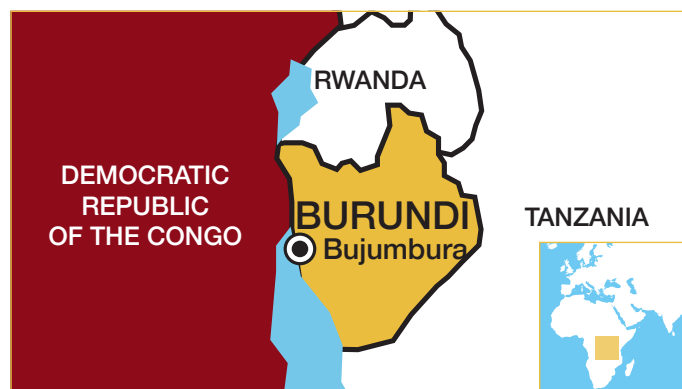
The UNSC and other UN member states must review their approach to recurring conflict and atrocities in Sudan. The UNSC should expand the arms embargo on Darfur to include South Kordofan and Blue Nile. Following the reconfiguration of UNAMID, the UNSC must closely monitor the precarious security situation in Darfur.

The government, SPLM-N and other parties must abide by the AUHIP Roadmap and permanently end 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 actively support efforts to bring ICC indictees to justice.

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/2363](#), 29 June 2017
- » [Report of the Independent Expert on the situation of human rights in Sudan, A/HRC/36/63](#), 27 July 2017
- » [GCR2P Populations at Risk: Sudan](#)



400,000+ refugees
since April 2015

BURUNDI

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

BACKGROUND

Ongoing violations and abuses of human rights leave populations in Burundi at risk of mass atrocity crimes. The UN Secretary-General's February 2017 report on Burundi noted that frequent killings, enforced disappearances, arbitrary arrests and torture continue. The Human Rights Council-mandated Commission of Inquiry on Burundi has found that potential crimes against humanity may have been committed in the country since April 2015.

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

According to local civil society groups, more than 1,200 people have been killed in politically-inspired violence since April 2015, while an unknown number of individuals have been the victims of enforced disappearances. Over 400,000 Burundian refugees remain in neighboring countries.

During 2016 the government undertook steps to isolate itself from the UN and AU. The East African Community (EAC) has attempted to mediate between the government and opposition parties, but talks have stalled. The Forces Populaire du Burundi, a rebel group located in the DRC, has vowed to increase armed attacks against the government.

The initial crisis developed following the April 2015 announcement by the CNDD-FDD that President Pierre Nkurunziza would seek a third presidential term. This was regarded by many as violating the 2000 Arusha Peace Agreement, which ended a civil war that claimed over 350,000 lives between 1993 and 2005. Following a failed coup and protest violence, President Nkurunziza was elected for a third term during July 2015. President Nkurunziza has suggested he may run for a fourth term in 2020 and on 12 May he appointed a 15-member commission to propose draft amendments to the constitution. The constitution, based on the Arusha Peace Agreement, currently restricts presidential term limits and sets ethnic quotas for state institutions.

ANALYSIS

Recurring political and ethnic conflict have previously resulted in mass atrocity crimes in Burundi. Incitement to violence, enforced disappearances, torture and extrajudicial killings have contributed to a climate of fear and insecurity. Within this already unstable environment, an attempt to amend the constitution could have grave implications.

The government's refusal to cooperate with the UNSC, the Human Rights Council's Commission of Inquiry, OHCHR and the ICC is a disturbing indication of its unwillingness to engage with the international community and adhere to international law.

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

INTERNATIONAL RESPONSE

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

On 29 July 2016 the UNSC passed Resolution 2303, authorizing up to 228 UN police to monitor the security and human rights situation. The government of Burundi refused to accept the monitors. A year later, the UNSC adopted a Presidential Statement highlighting the importance of the Arusha Agreement and expressing the Council's intention to pursue targeted measures against those who threaten the peace and security of Burundi.

On 30 September 2016 the UN Human Rights Council created a Commission of Inquiry to investigate human rights violations and abuses in Burundi since April 2015, but the government has refused to cooperate. On 18 April 2017 the UN High Commissioner for Human Rights expressed deep alarm over the Imbonerakure's ongoing incitement to violence, 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 conflict. The Imbonerakure should be disarmed and disbanded. Allegations of human rights violations and abuses must be investigated and perpetrators held accountable.

The government should engage constructively with the political dialogue led by the EAC and collaborate with the UNSC, OHCHR and the Commission of Inquiry. The government should also reconsider its withdrawal from the ICC.

The AU should impose targeted sanctions, as decided by its Peace and Security Council on 17 October 2015, and work with the Burundian government to ensure the full deployment of AU human rights observers and military experts. The UNSC and the international community should impose targeted sanctions against all those who threaten peace and security in Burundi, including the list of suspected atrocity perpetrators supplied by the Commission of Inquiry.

MORE INFORMATION

- » [UNSC Resolution, S/RES/2303](#), 29 July 2016
- » [UNSC Presidential Statement S/PRST/2017/13](#), 2 August 2017
- » [Final report of the Commission of Inquiry, A/HRC/36/54](#), 4 September 2017
- » [GCR2P Populations at Risk: Burundi](#)



Over 12,500 extrajudicial killings since June 2016

PHILIPPINES

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

BACKGROUND

Since President Rodrigo Duterte took office during June 2016, over 12,500 people have been extrajudicially killed during his proclaimed "war on drugs." More than 3,500 people have been

killed in police operations while over 2,200 deaths have been attributed to unidentified gunmen who carry out vigilante-style executions of alleged drug offenders. The cause of the remaining deaths remains unclear. President Duterte has publicly encouraged vigilantes to join his campaign and has extended his death threats to human rights defenders.

Between 14-18 August over 90 people were killed during the deadliest week since President Duterte took office. Among those killed was Kian delos Santos, a 17-year-old student. Delos Santos' death sparked domestic and international outcry when CCTV footage and witness testimony implicated police officers in carrying out a summary execution. On 21 August President Duterte ordered the Philippines National Police to launch an investigation. The Philippines Commission on Human Rights and the Senate have both announced plans to investigate the surge in extrajudicial killings, despite Senate members previously supporting the President's "war on drugs."

President Duterte has compared his "war on drugs" with the Holocaust and declared his willingness to "slaughter" millions of suspected drug abusers. Other high-ranking government officials have echoed these sentiments, including the Philippines Justice Secretary, who stated that the killings could not be deemed crimes against humanity as drug offenders were not "part of humanity." President Duterte has silenced those opposed to the killings, including through imprisoning a parliamentary opponent and threatening to abolish the constitutionally-mandated Commission on Human Rights.

On 24 April Jude Sabio, a Philippine lawyer, filed a complaint with the ICC accusing President Duterte and 11 other senior officials of crimes against humanity and mass murder. Two Philippine legislators filed a supplemental communication on 6 June urging the ICC to conduct a preliminary examination.

On 23 May Maute, an ISIL-aligned armed group, overtook portions of Marawi city causing President Duterte to declare martial law on the southern island of Mindanao. Despite the Philippines' armed forces retaking the majority of Marawi, nearly 360,000 people continue to be displaced by fighting.

ANALYSIS

While the government of the Philippines has sovereign authority to maintain law and order within its borders, including by punishing those who deal in illegal drugs and commit acts of terrorism, it is obligated to do so with respect to IHRL. Filipinos are at growing risk of extrajudicial killings that may amount to crimes against humanity. By openly calling upon armed vigilantes to join the "war on drugs," President Duterte has actively promoted an atmosphere of impunity.

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

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

INTERNATIONAL RESPONSE

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

On 10 June the United States Embassy in Manila announced that Special Forces were providing the Philippines army with technical support in their fight to retake Marawi. During August Australia offered to send troops to train Philippines military forces in the fight against Maute.

NECESSARY ACTION

National authorities in the Philippines must restore the rule of law and immediately halt widespread extrajudicial killings. The Philippines Senate should ensure that a substantial and credible investigation into extrajudicial killings and the "war on drugs" is undertaken.

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

The UN Human Rights Council should continue to closely monitor the situation in the Philippines.

States with strong economic and political ties to the Philippines, especially the United States, must increase diplomacy aimed at ending extrajudicial killings.

MORE INFORMATION

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



AFGHANISTAN

Populations in Afghanistan are at growing risk of mass atrocity crimes as the Taliban regains territory in its ongoing armed conflict with the government.

BACKGROUND

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

UNAMA's midyear report documented the deaths of 1,662 civilians during the first six months of 2017. According to UNAMA, attacks by the Taliban and other anti-government forces remain the leading cause of casualties, but all parties to the conflict continue to use mortars, rockets and other explosive weapons in civilian-populated areas.

During 2016 the ICC reported that the Taliban has potentially committed crimes against humanity and war crimes against civilians, particularly those perceived as supporting the Afghan government and foreign forces opposed to Taliban rule. According to the ICC, Afghan security forces and members of the United States' armed forces and intelligence services may have also committed war crimes, including torture of detainees.

As ISIL faces military defeat in Syria and Iraq, some members – designated the ISIL Khorasan (ISIL-K) – have begun to establish safe havens in remote districts of Afghanistan. ISIL-K has claimed responsibility for several recent terrorist attacks.

According to OCHA, 7.4 million people in Afghanistan are in need of humanitarian assistance and 229,000 people are internally displaced due to ongoing armed conflict.

ANALYSIS

The Taliban, which ruled Afghanistan from 1996–2001, is an armed Sunni extremist movement. As the Taliban regains territory across Afghanistan, the number of civilians at risk of possible war crimes and crimes against humanity increases. During their sixteen-year war, both government forces and the Taliban have shown disregard for IHL. However, while government forces have attempted to decrease civilian casualties, Taliban and ISIL-K attacks on populated areas and civilian infrastructure continue to rise.

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

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

INTERNATIONAL RESPONSE

At the July 2016 NATO Summit in Warsaw, member states pledged to sustain their mission in Afghanistan beyond 2016 and to continue their assistance to Afghan security forces until 2020. The United States currently has 11,000 troops in Afghanistan, and on 21 August President Donald Trump announced additional troops will be deployed shortly.

UNAMA was established under UNSC Resolution 1401 of 2002 and its mandate includes monitoring human rights violations and the protection of civilians in armed conflict. UNAMA's mandate has been renewed until 17 March 2018. Since 2011 the UNSC has imposed an arms embargo and sanctions on individuals or entities who support the Taliban and its affiliates in Afghanistan.

NECESSARY ACTION

The international community should continue to provide support to the Afghan government to help combat the Taliban, ISIL-K and other armed extremist groups within the country. Promoting good governance and the rule of law remains essential to this strategy.

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

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

MORE INFORMATION

- » [UNAMA Website](#)
- » [UNAMA Annual Report on the Protection of Civilians in Armed Conflict](#), February 2017
- » [Populations at Risk: Afghanistan](#)



1.2 million IDPs

875,000 Somali refugees
in neighboring countries

SOMALIA

Populations in Somalia remain at serious risk of war crimes and crimes against humanity perpetrated by Al-Shabaab and various armed forces.

BACKGROUND

Despite the 2012 formation of the Federal Government of Somalia, populations remain at risk of atrocities. After decades of sustained armed conflict, an estimated 2 million Somalis have been internally displaced while over 875,000 have fled to neighboring countries. Over 3 million Somalis are in need of emergency humanitarian assistance, while the threat of famine persists in several regions.

Since 2008 the armed extremist group Al-Shabaab has killed more than 6,200 people in Somalia. Over 2 million people currently live in Al-Shabaab controlled territory, mainly in the rural areas of Hirshabelle, Jubaland and South West Somalia.

Al-Shabaab fighters routinely violate IHL and IHRL, including by torturing detainees, attacking hospitals and schools, targeting civilians, and using civilians as human shields. According to the UN, Al-Shabaab actively recruits child soldiers, who comprise more than half of their forces. Al-Shabaab has also blocked civilians from access to vital humanitarian assistance. During May Al-Shabaab militants razed villages, abducted and killed civilians, and stole livestock in drought stricken Lower Shabelle. Fighting between Al-Shabaab and local Biyomaal clan militias resulted in the displacement of over 15,000 people.

Al-Shabaab also continues to target troops from the AU Mission in Somalia (AMISOM) and UN humanitarian convoys for attack. On 30 July 2017 more than twenty AMISOM soldiers were killed in an Al-Shabaab ambush in Lower Shabelle.

In addition to the threat posed by Al-Shabaab, ISIL has a growing presence in Somalia. Territorial disputes between communities in the border regions of Galmudug, Puntland and Somaliland also pose a risk to vulnerable civilians.

Some Somali National Army and AMISOM forces tasked with providing civilian protection have at times posed a direct threat to civilians, committing rape, arbitrary detention and other grave violations of human rights.

ANALYSIS

Despite political advances, the Federal Government of Somalia currently lacks the capacity to adequately protect civilians from the predations of various armed groups. Clashes among rival clans vying for control of disputed territory between the Federal Member States may also result in further conflict.

Al-Shabaab maintains the capacity to commit possible war crimes and crimes against humanity. In areas controlled by Al-Shabaab the denial of aid to people facing famine may also constitute crimes against humanity.

While the AU has trained AMISOM forces to respect IHL and IHRL and advised on methods to reduce civilian harm, large-scale military offensives against Al-Shabaab still pose a threat to vulnerable populations.

The Federal Government of Somalia and AMISOM have a Responsibility to Protect civilians from war crimes and crimes against humanity as they battle against Al-Shabaab and other armed extremist groups.

INTERNATIONAL RESPONSE

On 11 May 2017 the government signed a Security Pact with international partners to enable further security sector reform.

On 30 August the UNSC passed Resolution 2372, which recalled the Federal Government of Somalia's responsibility to protect its population and to build its national security forces in full compliance with IHL and IHRL. Resolution 2372 also renewed AMISOM's mandate until 31 May 2018.

NECESSARY ACTION

International partners should continue to support efforts aimed at defeating Al-Shabaab and enhancing national governance, as well as protecting and promoting human rights in Somalia.

The Somali government and AMISOM must ensure that their military campaigns against Al-Shabaab are carried out in strict adherence with IHL and IHRL. A coordinated political strategy aimed at countering violent extremism should also be implemented in order to prevent recruitment to Al-Shabaab and other armed groups.

All alleged war crimes in Somalia must be properly investigated and the perpetrators held accountable, regardless of rank or affiliation.

MORE INFORMATION

- » [AMISOM Website](#)
- » [UNSC Resolution 2372, S/RES/2372](#), 30 August 2017
- » [Populations at Risk: Somalia](#)



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