

# R2P MONITOR

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

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

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

## R2P Monitor applies an atrocity prevention 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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\*Updates for DPRK, Eritrea, Israel and the Occupied Palestinian Territories, and Nigeria are available on our website.

## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



1,174 civilians killed and 3,139 wounded between 1 July and 30 September 2019

## AFGHANISTAN

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

### BACKGROUND

Since the Taliban were overthrown in 2001 by a North Atlantic Treaty Organization (NATO) coalition of military forces, they have conducted an insurgency against the internationally recognized Afghan government. Following the 2014 withdrawal of most foreign forces from Afghanistan, the Taliban have made substantial military gains, currently controlling or influencing more than half of the country. The UN Assistance Mission in Afghanistan (UNAMA) has reported that civilians in Taliban-controlled areas suffer widespread human rights abuses, including recruitment of child soldiers and extrajudicial killings. According to the ICC Chief Prosecutor, the Taliban have potentially committed crimes against humanity and war crimes. Afghan security forces and members of the United States (US) military may have also committed war crimes, including the torture of detainees.

From December 2018 to September 2019 a US government delegation engaged in talks with the Taliban in an effort to end their 18-year war. However, as an agreement was being finalized, the Taliban launched attacks in Kunduz, Baghlan and Kabul, killing 94 civilians. The US has cancelled all further negotiations.

Since 8 September Afghan security forces and the US military have escalated operations against the Taliban, who have also increased their attacks and bombings in civilian areas. UNAMA reported that there were more civilian casualties in Afghanistan between 1 July and 30 September than in any other three-month period in the past ten years, with 1,174 civilians killed and 3,139

wounded. This brings the total number of civilian casualties so far in 2019 to more than 8,000.

The Taliban also violently disrupted the 28 September presidential elections. UNAMA reported that 85 civilians were killed and 373 injured during attacks, including 30 civilians killed in a suicide attack on an election rally on 17 September. On 28 September 100 separate incidents occurred across the country – including Taliban attacks involving rockets, grenades, mortars and improvised explosive devices (IEDs) placed at or near polling centers.

Meanwhile, over 12,500 children have been killed or maimed in Afghanistan since 1 January 2015, accounting for one-third of all civilian casualties. Among the 3,804 civilians killed during 2018 were at least 927 children, the highest number recorded during the conflict in a single year. Citing the deteriorating security situation, the UN Children's Fund (UNICEF) also documented 192 attacks on schools in 2018, three times the number recorded during 2017. By the end of 2018 more than 1,000 schools had been closed.

The so-called Islamic State of Iraq and the Levant-Khorasan (ISIL-K) continues to operate in Afghanistan, often targeting the minority Shia population. On 18 August ISIL-K carried out the year's deadliest bomb attack in Kabul, killing over 80 civilians and wounding 182.

According to the UN Refugee Agency (UNHCR), 2.1 million people in Afghanistan are internally displaced and 2.7 million Afghans are refugees – the second largest refugee population in the world.

### ANALYSIS

Progress made by the US and Taliban towards a potential peace agreement was a welcome development, but the collapse of talks has increased the threat of further war crimes and crimes against humanity.

During their 18-year war, government forces and the Taliban have both shown blatant disregard for International Humanitarian Law (IHL). In addition to fighting to expand their territorial control, the Taliban have escalated attacks on civilians in urban areas. Unless sustained action is taken to improve local governance, conflict and insecurity will continue to increase.

Although government forces implemented measures to decrease civilian casualties, the use of IEDs by the Taliban and ISIL-K in populated areas continues to endanger civilians and may constitute war crimes and crimes against humanity.

The Afghan government needs ongoing international support to uphold its responsibility to protect.

## INTERNATIONAL RESPONSE

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

UNAMA was established under UN Security Council (UNSC) Resolution 1401 of 2002 and its mandate includes monitoring human rights violations and the protection of civilians. Since 2011 the UNSC has imposed an arms embargo and sanctions on individuals or entities who support the Taliban and its affiliates.

During November 2017 the Chief Prosecutor of the ICC requested authorization to proceed with an investigation into alleged crimes committed in Afghanistan since May 2003. On 15 March 2019 the US government announced it would revoke or deny visas to members of the ICC investigating its personnel. On 12 April the Court rejected the Chief Prosecutor’s request, citing a lack of cooperation from governments involved in the situation. The Chief Prosecutor has appealed the decision.

The Russian government also hosted Afghan peace talks during February and May. The governments of Germany and Qatar hosted an Intra-Afghan Dialogue on 7-8 July that brought together Afghan politicians, civil society and the Taliban.

## NECESSARY ACTION

The international community should continue to support the Afghan government as it combats the Taliban, ISIL-K and other extremist armed groups. Afghan security forces and all international military forces operating within Afghanistan must prioritize the protection of civilians and strictly adhere to IHL and International Human Rights Law (IHRL). International military forces should strengthen protocols to prevent civilian casualties. Increased efforts should also be undertaken to ensure the security of vulnerable minorities.

Promoting good governance and the rule of law remains essential. Negotiations between all parties to the conflict should be resumed. Any resulting peace process must include meaningful representation of women, ethnic and religious minorities, and civil society.

The international community should continue to pursue international justice for war crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator.



Approximately one million Uighurs and other Turkic Muslim minorities are currently being detained in “re-education” or “de-extremification” facilities

## CHINA

*The treatment of ethnic Uighurs and other Turkic Muslim minorities in China’s Xinjiang Uighur Autonomous Region may amount to crimes against humanity.*

### BACKGROUND

Under the auspices of combatting religious extremism and terrorism, over recent years the government of China and authorities in the Xinjiang Uighur Autonomous Region (XUAR) have increased repression of members of the ethnic Uighur community as well as other Turkic Muslims, including ethnic Kazakhs and Kyrgyz. China’s approach to combatting “religious extremism” has resulted in large-scale arbitrary detention, severe restrictions on religious practice, and pervasive surveillance and control of the Muslim population of XUAR.

Approximately one million Uighurs and other Muslim minorities are currently being detained in “re-education” or “de-extremification” facilities without formal charges or due process. Some former detainees have reported that while in state custody they were subjected to abuse and forced political indoctrination. The government has also reportedly separated Muslim children from their families, placing them in boarding schools and denying access to information on their location.

China has also expanded its pervasive policing and surveillance system. Authorities have implemented systems that monitor the daily lives of all Uighurs, including the content of their communications and the people with whom they interact. Data is reportedly used to profile persons at risk of “extremist thought” prior to being sent to “re-education” camps. Authorities also collect DNA during medical check-ups, install a GPS tracking system on all vehicles, and monitor all mobile and online communications.

These measures were imposed in conjunction with increased restrictions on religious practice. In March 2017 XUAR authorities passed the “Regulation on De-extremification,” which prohibits a range of “extreme” behaviors, such as “abnormal”

beards, wearing face coverings or veils in public, and refusing to participate in state-sponsored cultural or education programs. It is also illegal for parents to give children certain Muslim names.

Authorities have also engaged in the destruction of Uighur cultural heritage, including demolishing historic mosques and shrines. According to an AFP investigation, since 2014 Chinese authorities have destroyed at least 45 Uighur cemeteries.

## ANALYSIS

The large-scale detention program, systematic abuse of detainees and lack of information regarding the fate of persons in state custody in XUAR could constitute crimes against humanity under international law.

Systematic discrimination against the Uighurs, as well as surveillance systems that target the group, increases their vulnerability to violations and abuses of their fundamental human rights. The targeted destruction of places of cultural significance may be part of a systematic attempt to eradicate Uighur cultural heritage in China.

The government of China is failing to uphold its responsibility to protect and is perpetrating crimes against humanity against the Uighurs and other Muslim minorities in XUAR.

## INTERNATIONAL RESPONSE

Twenty-two governments sent a letter to the President of the Human Rights Council (HRC) on 8 July calling upon China to halt its mass detention of ethnic Uighurs and other minorities in Xinjiang. In an apparent response, on 12 July ambassadors from 37 governments sent a letter to the HRC President defending China's policies.

On 8 October the US government imposed visa restrictions on Chinese government and Communist Party officials “who are believed to be responsible for, or complicit in, the detention or abuse of Uighurs, Kazakhs, or other members of Muslim minority groups in Xinjiang.”

On 29 October the United Kingdom (UK) delivered a statement on behalf of 23 states at the Third Committee of the UN General Assembly, urging the Chinese government to respect freedom of religion and belief and “allow the Office of the UN High Commissioner for Human Rights [OHCHR] and UN Special Procedures immediate unfettered, meaningful access to Xinjiang.”

## NECESSARY ACTION

The government of China should immediately halt widespread violations and abuses of human rights in XUAR and repeal the “Regulation on De-extremification.” The government should grant unfettered access to OHCHR.

XUAR authorities should release all Uighurs and members of other minorities being arbitrarily detained in “re-education camps” and related facilities. The authorities should immediately

end the enforced separation of Uighur children from their families and cease the deliberate destruction of the unique cultural heritage of Muslims in Xinjiang.

UN bodies, including the HRC, should consider mandating a fact-finding mission to investigate international crimes and violations of human rights committed in XUAR.

Recognizing the important influence they may have in urging China to reconsider its policies in Xinjiang, the Organization of Islamic Cooperation (OIC), Muslim-majority countries, and neighboring states, should urge China to respect the rights of Muslim minorities and cease their systematic persecution.



Since August 2017 over 720,000 ethnic Rohingya have fled atrocities and crossed into Bangladesh

## MYANMAR (BURMA)

*Populations in Myanmar (Burma) face the threat of ongoing mass atrocity crimes.*

### BACKGROUND

More than two years since the government launched so-called “clearance operations” in Rakhine State, populations in Myanmar remain at risk of mass atrocity crimes perpetrated by the security forces and as a result of discriminatory laws and policies. Since August 2017 an estimated 720,000 people – the majority of the Rohingya population – have been forced to flee, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. In its 2018 report, the HRC-mandated Independent International Fact-Finding Mission (IFFM) on Myanmar concluded that the military have committed crimes against humanity and war crimes in Rakhine, Shan and Kachin states, as well as acts of genocide against the Rohingya minority in Rakhine State. On 16 September 2019 the IFFM published its final report, concluding that Myanmar “continues to harbor genocidal intent” towards the Rohingya.

The IFFM has listed alleged perpetrators, including military Commander-in-Chief, General Min Aung Hlaing, and called for them to be prosecuted at an international court, deeming

accountability at the domestic level unattainable. The FFM also asserted that Myanmar had breached its obligations under the Genocide Convention.

The Rohingya, a distinct Muslim ethnic minority group in Myanmar, have been systematically persecuted for generations. Myanmar's 1982 Citizenship Law rendered most of the population stateless. The rights of the Rohingya are further limited by the so-called "Protection of Race and Religion" laws that place harsh restrictions on fundamental religious freedoms, as well as reproductive and marital rights. The Rohingya are also subject to severe restrictions on their freedom of movement, with more than 120,000 Rohingya confined to camps since 2012.

Other populations in Myanmar also continue to be at risk as a result of conflict between the military and various ethnic armed groups. Since November 2018 conflict has been ongoing in Rakhine State between the military and the Arakan Army (AA), an armed group seeking greater autonomy for the ethnic Rakhine Buddhist population. Myanmar's security forces have shelled villages, blocked food supplies and arbitrarily detained civilians. Access to conflict-affected areas continues to be denied to UN agencies and most humanitarian organizations. AA members have also been accused of violations and abuses, including abducting civilians.

Since 15 August fighting between the military and other ethnic armed groups, including the Ta'ang National Liberation Army, has also escalated in Shan State, displacing thousands and putting civilians and humanitarian workers at risk.

## ANALYSIS

The failure of the UNSC to hold accountable those responsible for atrocities committed against the Rohingya enables the military to continue their attacks on other populations.

Utilizing the UN's "Framework of Analysis for Atrocity Crimes" the FFM determined that the risk factors for genocide and other atrocity crimes remain present in Myanmar. Despite Myanmar's partial transition to democracy, until discriminatory laws and policies are repealed or amended, and the perpetrators of past crimes are held accountable, the threat of further atrocities endures.

The government has still not taken serious steps towards ensuring the safety and security of the Rohingya. Military units that perpetrated crimes against the Rohingya continue to operate in Myanmar. Recent fighting between the army and armed groups in Rakhine and Shan states puts civilians at ongoing risk of human rights violations and abuses.

The government of Myanmar has manifestly failed to uphold its responsibility to protect the Rohingya and other minority populations, and bears responsibility for the commission of war crimes, crimes against humanity and genocide.

## INTERNATIONAL RESPONSE

The only formal response of the UNSC to the genocide against the Rohingya was the adoption of a Presidential Statement on 6 November 2017. That statement stressed the "primary responsibility of the Myanmar government to protect its population."

Since August 2017 the European Union (EU), Canada, US, Australia and others have responded to atrocities in Rakhine State, including by imposing an arms embargo as well as targeted sanctions on senior military officers. A number of countries have recognized the crimes against the Rohingya as constituting genocide. On 16 July the US government became the first to sanction Myanmar's Commander-in-Chief Min Aung Hlaing and three other senior military officials for "gross human rights violations" perpetrated against the Rohingya.

During September 2018 the HRC adopted a resolution creating an independent mechanism to "collect, consolidate, preserve and analyze evidence of the most serious international crimes and violations of international law" committed in Myanmar. On 26 September HRC adopted a resolution urging the government to grant unrestricted access to all UN mandate holders and human rights mechanisms.

On 31 May 2019 the OIC urged its "ad hoc ministerial committee on human rights violations against the Rohingyas in Myanmar," led by The Gambia, to take a case to the International Court of Justice (ICJ). On 11 November The Gambia formally filed a case with the ICJ, accusing Myanmar of breaching its obligations under the Genocide Convention.

On 13 November Burmese Rohingya Organisation UK, supported by Grandmothers of the Plaza de Mayo and the Fundación Servicio Paz y Justicia, filed a case in an Argentinian court under the principle of universal jurisdiction, urging the prosecution of senior officials from Myanmar who are responsible for the Rohingya genocide. The plaintiffs are represented by the former UN Special Rapporteur on human rights in Myanmar, Tomás Ojea Quintana.

On 14 November Pre-Trial Chamber III of the ICC authorized the Chief Prosecutor to proceed with an investigation into the forced deportation of the Rohingya population across the Myanmar-Bangladesh border. While Myanmar is not a State Party to the ICC, Bangladesh is and referred the case.

## NECESSARY ACTION

The international community should adopt the FFM's recommendations and ensure that those responsible for genocide, crimes against humanity and war crimes do not evade justice. All investment in conflict-affected areas in Myanmar should be conducted in strict adherence with the UN's Guiding Principles for Business and Human Rights. The UNSC should immediately refer the situation in Myanmar to the ICC and impose an arms embargo.



Myanmar's government must create conditions for the voluntary, safe and dignified repatriation of refugees from Bangladesh, including by repealing or amending all laws that systematically discriminate against the Rohingya. Access for UN agencies and humanitarian organizations should be restored to all conflict-affected areas.

All UN member states should meaningfully support the case The Gambia has filed against Myanmar at the ICJ.



Over 560,000 people killed in eight years of conflict

13 UNSC vetoes blocking action and accountability

## SYRIA

*Populations continue to face war crimes and crimes against humanity committed by various state forces and non-state armed groups in Syria's ongoing conflict.*

### BACKGROUND

Since the war in Syria began in 2011 at least 560,000 people have been killed in the conflict between the government and opposition groups. There are 6.7 million Syrian refugees and nearly 13 million people are internally displaced – the largest number of people displaced by any conflict in the world. An estimated 12 million Syrians remain in dire need of humanitarian assistance.

On 9 October, following US President Donald Trump's announcement of the withdrawal of US troops from northeast Syria, Turkish military forces launched "Operation Peace Spring" against the Syrian Democratic Forces (SDF) and the Kurdish People's Protection Units (YPG), which the Turkish government regards as a terrorist organization. Since the start of the invasion there have been widespread civilian casualties and OHCHR has documented attacks on health facilities and other civilian objects by Turkish forces and affiliated non-state armed groups, as well as summary executions.

On 14 October Syrian government troops also moved into northeast Syria for the first time in at least five years after signing a Memorandum of Understanding with the Kurdish

authorities. Following an agreement reached in Sochi on 22 October, Turkey committed to ending its military operations following the YPG and SDF's re-deployment away from the border. Russian and Turkish forces have also commenced joint patrols of the region.

Risks associated with a potential resurgence of the so-called Islamic State of Iraq and the Levant (ISIL) are also high as Kurdish forces struggle to detain thousands of ISIL members in prisons in northeast Syria. Prior to the Turkish offensive, the SDF found numerous mass graves in areas liberated from ISIL and called for an international tribunal to deal with captured ISIL fighters.

In the northwest of Syria, since 29 April Syrian government and Russian forces have conducted an intense bombardment campaign in Idlib Governorate with the stated goal of eradicating the armed group Hayat Tahrir al-Sham (HTS). OHCHR has confirmed 1,089 civilian deaths, including over 300 children, since the launch of the offensive, nearly all of which are attributable to Syrian government and Russian forces. Over 400,000 people have been displaced and there have been at least 42 documented attacks on healthcare facilities. Since the collapse of two brief ceasefires in August, government forces have increased their attacks and captured several strategically important towns.

Since 2012 the HRC-mandated Commission of Inquiry (CoI) has reported that Syrian 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. The CoI has also reported on 37 instances of chemical weapons use since March 2013, including 32 attacks perpetrated by Syrian government forces. More than 100,000 arbitrary detentions, abductions or disappearances have also been confirmed by the CoI, with the majority attributable to the Syrian government.

### ANALYSIS

The government of Syria and numerous armed opposition groups have committed indiscriminate attacks on civilian populations and infrastructure, demonstrating a complete disregard for international law. Some airstrikes by the US-led coalition, Russia and other parties to the conflict have also violated IHL and may constitute war crimes. The Syrian government, with support from Russia and Iran, continues to utilize its military resources to retain power at all costs.

Turkey intends to establish a "safe zone" in northeast Syria after it has been "cleared" of the YPG and SDF, and to resettle up to 2 million Syrian refugees there. Reports of forced repatriations have already emerged. There are also fears of potential "ethnic cleansing" of the Kurdish population, as the forced resettlement of Syrian Arab refugees may be a deliberate attempt to permanently alter the ethnic composition of northeast Syria.

Ongoing fighting in Idlib Governorate imperils the lives of millions of civilians. While the governments of Syria and Russia maintain

that they are targeting HTS, the use of indiscriminate weapons in civilian-populated areas and the systematic bombing of medical facilities constitute war crimes.

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. Various high-level UN officials, including the Secretary-General, have repeatedly called for the situation in Syria to be referred to the ICC.

Despite this, the UNSC has failed to respond effectively. Since 2013 the UNSC has passed 24 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. The Syrian government has directly violated various UNSC resolutions, and Russia has systematically shielded Syria from accountability measures. Russia and China have jointly vetoed seven draft resolutions and Russia has independently vetoed a further six resolutions.

Following a 30 July demarche by 10 members of the UNSC, UN Secretary-General António Guterres created a Board of Inquiry to investigate all attacks on hospitals and health facilities on the deconfliction list and other UN-supported facilities in northwest Syria.

On 21 December 2016 the UN General Assembly voted to establish an International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of perpetrators of atrocities in Syria. Germany and a number of other countries have initiated domestic proceedings against suspected Syrian perpetrators under the principle of universal jurisdiction.

The HRC has adopted 29 resolutions condemning atrocities in Syria, the majority of which demand that the Syrian authorities uphold their responsibility to protect the population. During March 2019 the HRC extended the mandate of the CoI for an additional year.

The UN Special Envoy for Syria, Geir Pedersen, is currently facilitating a political process under the auspices of UNSC Resolution 2254. On 19 September Secretary-General Guterres announced the formation of a constitutional committee to be facilitated by the UN in Geneva.

On 15 October the UN Special Advisers for the Prevention of Genocide and the Responsibility to Protect released a joint statement condemning the latest escalation in northeast Syria and insisting that the UNSC uphold its responsibility to protect.

### NECESSARY ACTION

All parties must uphold their obligations under IHL, including ending attacks on civilians and civilian infrastructure and establish a timetable for identifying and releasing all detainees and abductees. Syrian government forces, armed opposition groups and all international parties to the conflict must facilitate unimpeded humanitarian access to civilians trapped or displaced by fighting.

All parties to the conflict should adhere to the Idlib “demilitarized zone” and de-escalation agreements. The governments of Syria, Turkey and Russia should also allow the establishment of an OHCHR field presence in Idlib.

All UN member states should immediately halt arms sales to Turkey and impose targeted sanctions on those with command responsibility for possible atrocity crimes in northeast Syria. All returns of refugees must be in accordance with the principle of non-refoulement with guarantees that returnees will not face persecution, discrimination or forced repatriation.

UN member states should ensure the IIIM is incorporated into the UN's regular budget. States should also continue to pursue accountability for alleged perpetrators of atrocities under the principle of universal jurisdiction. The UNSC should immediately refer the situation in Syria to the ICC.



16,000+ civilians killed since March 2015	24 million people in need of humanitarian assistance
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## YEMEN

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

### BACKGROUND

Despite diplomatic efforts to end the war in Yemen, populations remain at risk of war crimes and are experiencing the largest humanitarian crisis in the world. Fighting between Houthi rebels, members of the General People's Congress, the Southern Transitional Council (STC), and various forces loyal to the

internationally-recognized government – as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition – has resulted in the deaths of at least 16,000 civilians since March 2015. The actual death toll is likely much higher. At least 3.6 million people have been displaced by fighting.

The UNSC-mandated Panel of Experts on Yemen has documented widespread violations of IHL and IHRL by all parties to the conflict. The HRC-mandated Group of Independent Eminent Experts (GEE) on Yemen has also documented violations and abuses that may amount to war crimes committed by all parties to the conflict, including indiscriminate airstrikes and shelling, use of landmines, arbitrary detention, torture, sexual and gender-based violence, and impeding access to humanitarian aid. The GEE asserts that the US, UK, France and Iran may be complicit in violations due to their provision of military intelligence, arms and logistical support to parties to the conflict.

During December 2018 the UN Special Envoy for Yemen, Martin Griffiths, hosted the first consultations between the government and Houthi representatives since 2016. Parties to the conflict negotiated the “Stockholm Agreement,” which included a ceasefire in Hodeidah Governorate and the withdrawal of all forces from the city of Hodeidah; an exchange of prisoners; and a statement of understanding on the besieged city of Taiz. The ceasefire in Hodeidah has largely held, and on 11 May the Houthis withdrew forces from Saleef, Ras Isa and Hodeidah ports. The Houthis unilaterally released 290 detainees on 30 September and extended to the Saudi/UAE-led coalition a prisoner exchange offer involving over 2,000 detainees. The coalition has yet to respond.

Meanwhile, hostilities have intensified in Al-Dhale, Hajjah and Taiz governorates and airstrikes by the Saudi/UAE-led coalition continue to result in the death of civilians. Houthi forces temporarily increased their attacks on Saudi Arabia, but have subsequently extended a ceasefire offer to the Saudi/UAE-led coalition.

During August clashes also increased in southern Yemen between the UAE-supported STC and forces loyal to President Abd-Rabbu Mansur Hadi. In the aftermath of the initial fighting, the STC’s Security Belt Forces also reportedly attacked civilians from northern Yemen. Mediation between the STC and the government resulted in a power-sharing agreement signed on 6 November, allowing the government to formally regain control over Aden and all armed groups in the south.

At least 24.1 million Yemenis are in need of humanitarian assistance. A renewed epidemic of cholera has resulted in more than 1 million suspected cases reported since January 2018. Essential vaccines have reportedly been blocked by parties to the conflict.

Between April 2013 and January 2019 the UN Secretary-General reported more than 7,500 cases of the killing and maiming of Yemeni children, almost half of which were caused by coalition

airstrikes, as well as the recruitment or use of more than 3,000 children by parties to the conflict. During November 2018 Save the Children reported that 85,000 children under five may have died due to starvation since April 2015. Despite the Stockholm Agreement, the GEE reported that the number of incidents that killed or injured children more than tripled during the first quarter of 2019.

## ANALYSIS

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. A climate of impunity has enabled ongoing violations of IHL and IHRL.

The protracted conflict in Yemen, characterized by fragmenting coalitions and a multitude of fronts, threatens civilians throughout the country. Continued instability has also allowed al-Qaeda in the Arabian Peninsula and ISIL to exploit the situation and intensify attacks on civilians.

The dire humanitarian situation in Yemen is a direct result of the armed conflict and requires a political solution. Yemen imports 90 percent of its staple food supplies and the port city of Hodeidah serves as the entry point for 80 percent of the country’s food and fuel imports. The besieged city of Taiz is also crucial to the distribution of food imports.

All parties to the conflict appear manifestly unable or unwilling to uphold their responsibility to protect.

## INTERNATIONAL RESPONSE

The UNSC imposed sanctions on former President Ali Abdullah Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC established an arms embargo against Houthi leaders and some supporters of Saleh and demanded the Houthis withdraw from all areas they had militarily seized. On 26 February 2019 the UNSC renewed sanctions and extended the mandate of the Panel of Experts until 28 March 2020.

On 21 December 2018 the UNSC passed its first substantive resolution on the conflict in over three years, endorsing the Stockholm Agreement and authorizing the deployment of a monitoring team to oversee its implementation. On 16 January the UNSC adopted Resolution 2452, establishing the UN Mission to support the Hodeidah Agreement.

Civilian casualties caused by international coalition airstrikes have resulted in public pressure for the US, UK and other governments to cease selling arms to Saudi Arabia and the UAE. On 25 October the European Parliament passed a resolution calling on all EU member states to halt weapons exports to Saudi Arabia. The US Congress has made four attempts this year to end US military support for the Saudi/UAE-led coalition in Yemen, however President Trump has vetoed all of these measures.

On 20 June the Court of Appeal in London ruled that the UK government had failed to adequately assess the actions of



the Saudi/UAE-led military coalition in Yemen prior to issuing licenses for arms exports to Saudi Arabia. Following the ruling the UK suspended arms sales until an appropriate assessment is conducted.

On 26 September 2019 the HRC voted to extend the mandate of the GEE, but the government has refused entry to the Group.

**NECESSARY ACTION**

All parties to the conflict should fully implement the terms of the Stockholm Agreement. Parties to the conflict should extend the Hodeidah ceasefire to other areas, particularly Al-Dhale, Hajjah and Taiz governorates. The UNSC should also adopt targeted

sanctions against all those responsible for potential atrocities and the deliberate obstruction of vital humanitarian assistance.

The government of Yemen should allow access to the GEE, as well as OHCHR representatives, and ensure that all potential war crimes and crimes against humanity are properly investigated.

The distinction between military and civilian targets is central to IHL and must be adhered to at all times. In keeping with the Arms Trade Treaty, all UN member states should immediately halt the sale of weapons to parties to the conflict who routinely violate IHL, including Saudi Arabia and the UAE.

**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.



530,000+ people displaced by conflict in the north-west and south-west regions

**CAMEROON**

*There is an imminent risk of mass atrocity crimes due to widespread violence between government forces and armed separatists in the Anglophone regions of Cameroon. The armed extremist group Boko Haram also poses an ongoing threat.*

**BACKGROUND**

Political conflict over cultural rights and identity have escalated in Cameroon’s Anglophone regions since 2016 when English-speaking lawyers, students and teachers began protesting against their under-representation and cultural marginalization by the Francophone-dominated government. Violent repression by the security forces resulted in arbitrary arrests, sexual violence and the killing of civilians in the north-west and south-

west regions. The crisis deepened after October 2017 when Anglophone separatists proclaimed independence, declaring a new state of “Ambazonia.” Since October 2017 at least 650 civilians, 235 members of the security forces and nearly 1,000 alleged separatists have been killed as a result of armed conflict. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 530,000 people have been displaced.

As the conflict has intensified, there has been growing evidence of the security forces perpetrating extrajudicial killings and burning Anglophone villages. Individuals detained by the government for alleged separatist ties are reportedly subjected to torture and ill-treatment. Armed separatist forces have also perpetrated abuses, including kidnappings and killing civilians. Due to a ban on government education by armed separatists, 80 percent of schools in the two regions have closed and at least 74 have been destroyed.

Following diplomatic pressure, President Paul Biya organized a national dialogue during the first week of October. Several opposition and separatist leaders refused to participate, arguing that a dialogue should be facilitated by a neutral party on neutral territory. Even though the dialogue resulted in several proposals on how the government should address the grievances of the Anglophone population, at the time of publication it remained unclear whether these proposals were seriously being considered.

The Anglophone and Francophone areas of Cameroon were unified in 1961, but there have been long-term disputes over the extent to which access to government resources is controlled by the French-speaking majority. Although the Anglophone

minority constitutes 20 percent of the population of Cameroon, they are a majority in the north-west and south-west regions.

The armed extremist group Boko Haram is also active in the Lake Chad Basin region that includes Cameroon, Chad, Niger and Nigeria. The group continues to commit atrocities in the far north of Cameroon, including the abduction, mutilation and killing of civilians. During military operations against Boko Haram there have been widespread allegations of the security forces perpetrating extrajudicial killings. As of June 2019, there are 240,000 internally displaced persons (IDPs) in the far north region.

## ANALYSIS

The targeting of individuals based upon their cultural identity poses a direct threat to both Anglophone and Francophone civilians. As a result of ongoing violence and insecurity in Cameroon, 4.3 million people are in need of emergency assistance. The deteriorating situation in Cameroon has received little international attention despite persistent attacks on civilians, potentially amounting to crimes against humanity. Jan Egeland, Head of the Norwegian Refugee Council, noted during April 2019 that “there is no mediation, no large relief programme, no media interest and little pressure on the parties to stop attacking civilians.”

The government of Cameroon continues to deny the severity of the crisis and has failed to address the root causes of the Anglophone conflict, or provide a political means for resolving it. Although during October the government released 333 prisoners from the Anglophone region, as well as main opposition leader Maurice Kamto, it continues to detain hundreds of people in potentially abusive conditions.

The government of Cameroon is failing to uphold its responsibility to protect the Anglophone minority and requires international assistance to mediate and end the armed conflict in the north-west and south-west regions.

## INTERNATIONAL RESPONSE

On 17 November 2017 six UN Special Rapporteurs issued a joint statement urging the government to engage in meaningful dialogue and halt violence in the north-west and south-west.

Despite the government's failure to protect populations from violations and abuses of human rights or to hold security forces accountable for extrajudicial killings, during October 2018 Cameroon was elected to the HRC for the 2019-2021 term.

On 13 May the UNSC held its first Arria Formula meeting on the humanitarian and human rights situation in Cameroon.

Following a visit to Cameroon, on 6 May the UN High Commissioner for Human Rights urged the government to hold accountable members of the security forces who commit serious human rights abuses.

On 27 June Switzerland offered to mediate between the government of Cameroon and Anglophone separatists.

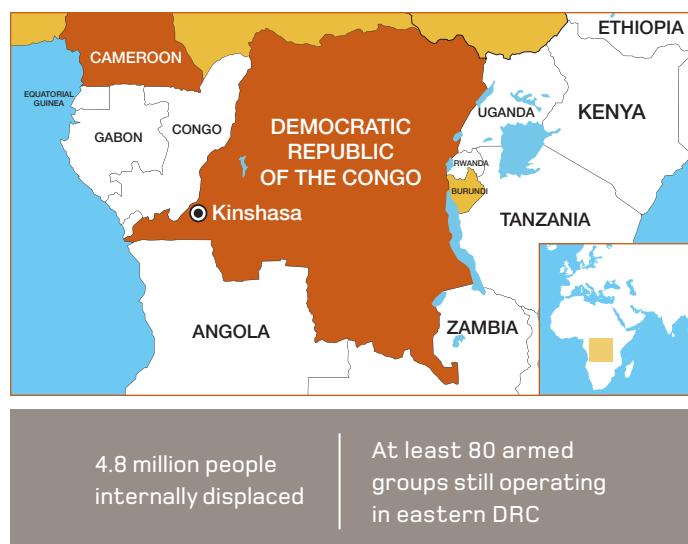
On 14 October the Council of the EU adopted conclusions on Cameroon, reiterating that, “the primary responsibility for protecting the population and maintaining security lies with the Cameroonian authorities.”

## NECESSARY ACTION

The security forces must cease all extrajudicial killings of unarmed civilians and ensure that the human rights of all Cameroonians are equally protected, regardless of language, cultural identity or political affiliation. Armed separatist groups must also halt attacks on civilians and civilian infrastructure. The government and armed separatists should immediately negotiate a ceasefire agreement.

The government of Cameroon should grant OHCHR access to the north-west and south-west regions to investigate potential human rights violations and abuses. Foreign governments and regional organizations should suspend all military aid to Cameroon until it has made demonstrable progress in upholding the human rights of vulnerable populations.

In order to work towards a negotiated political solution to the crisis in the north-west and south-west regions, the government should seriously consider a more inclusive dialogue mediated by a neutral player on neutral territory. The African Union (AU) and Economic Community of Central African States should work with Cameroon's government to prevent any further deterioration of the armed conflict.



## DEMOCRATIC REPUBLIC OF THE CONGO

*Populations in the Democratic Republic of the Congo continue to face the threat of further mass atrocity crimes committed by various armed groups.*

### BACKGROUND

Attacks by armed groups operating in the eastern provinces of the Democratic Republic of the Congo (DRC), as well as recurring inter-communal violence in various parts of the country, threaten the lives of vulnerable populations. Despite military offensives conducted by the government's armed forces (FARDC) with assistance from the UN Peacekeeping Mission in the DRC (MONUSCO) and its Force Intervention Brigade, attacks by armed groups and inter-communal violence continue. According to UNHCR, over 4.8 million Congolese are internally displaced while more than 886,000 refugees have fled to neighboring countries.

Several provinces in eastern DRC – notably North Kivu, South Kivu, Ituri and Tanganyika – as well as the Kasai region, have been plagued by recent inter-communal violence and attacks by armed groups. The UN Joint Human Rights Office (UNJHRO) in the DRC documented 3,521 human rights violations during the first seven months of 2019. In conflict-affected provinces more than 200 people were extrajudicially executed by government security forces while 500 were killed by non-state armed groups. UNJHRO also documented more than 450 cases of conflict-related sexual violence. Violence between armed groups has continued to escalate in eastern DRC, with “Nyatura” and other Mayi-Mayi militias perpetrating widespread violence.

Renewed inter-communal violence in Ituri Province killed more than 117 people between 10-13 June. According to UNJHRO, the majority of victims were from the Hema community who are believed to have been attacked by members of the Lendu community. While investigating several massacres in Djugu and

Mahagi territories, UNJHRO documented beheadings and the use of scorched earth tactics to prevent survivors from returning. There were also reports of rape and sexual violence as well as of children being forcibly recruited into armed groups. The violence resulted in more than 360,000 people being displaced.

The violence in Ituri and North Kivu contributes to an already precarious security and humanitarian situation as the international community attempts to confront cholera, measles and Ebola outbreaks that have claimed the lives of thousands of people. Since August 2018 Ebola treatment centers have been subjected to arson attacks by suspected members of the Allied Democratic Forces armed group and forced to close. The World Health Organization has documented more than 198 attacks on health facilities in the eastern DRC.

During September OCHA reported renewed inter-communal conflict between Banyamulenge, Babembe, Bauliru and Banyindu armed groups in Mwenga and Fizi territory despite community dialogue undertaken by local authorities. The violence resulted in numerous villages burned and more than 35,000 people internally displaced. Earlier fighting amongst the groups during May and June resulted in over 200,000 displaced. The insecurity has limited access to education for thousands of children and restricted the capacity of humanitarian organizations to provide basic services.

### ANALYSIS

For more than 20 years various armed groups have exploited the weakness of state authority to perpetrate attacks against civilian populations. Widespread violence in eastern DRC is indicative of the enduring challenge of building effective governance and political stability. Competition for control of profitable minerals, as well as unresolved inter-communal conflicts, have enabled the proliferation of militias and other armed groups.

Recurring inter-communal conflict throughout eastern DRC demonstrates the need to hold perpetrators accountable and address the root causes of deadly inter-communal violence.

UNJHRO has reported that the security forces in the DRC continue to perpetrate crimes against civilians. Security forces have also recently been accused of failing to intervene or halt violence in Ituri Province.

The DRC government has struggled to uphold its responsibility to protect in the past, and government forces have at times been complicit in the perpetration of mass atrocity crimes.

### INTERNATIONAL RESPONSE

The UNSC currently subjects 13 entities and 31 individuals in the DRC to sanctions.

On 29 March the UNSC extended the mandate of MONUSCO until 20 December. The resolution emphasized that the government “bears the primary responsibility to protect civilians within its

territory and subject to its jurisdictions, including protection from crimes against humanity and war crimes.” During November the UNSC began assessing a strategic review of MONUSCO.

On 2 August the UNSC adopted a Presidential Statement on the Ebola outbreak, condemning all attacks against medical personnel and facilities.

On 8 July the ICC found former DRC warlord Bosco Ntaganda guilty of war crimes and crimes against humanity perpetrated in Ituri from 2002–2003. On 8 November Ntaganda was sentenced to 30 years imprisonment.

## NECESSARY ACTION

The DRC government and MONUSCO must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups. The protection of civilians and health centers in North Kivu must remain an integral part of any strategy to combat the Ebola, cholera and measles outbreaks.

The government and MONUSCO should implement measures to mediate inter-communal tensions in eastern DRC, the Kasai region and Mai-Ndombe Province. The government should conduct a thorough investigation of the massacres in Ituri and Yumbi and hold the perpetrators accountable.

While protecting populations from the threat of armed groups, the security forces must strictly adhere to IHL and IHRL. The government should hold all those who used lethal force against unarmed protesters prior to the 2018 election accountable.



More than 600 people killed in inter-communal violence in Mali's Mopti region from January to June 2019

## MALI AND BURKINA FASO

*Populations in Mali and Burkina Faso are at imminent risk of potential atrocity crimes as a result of growing conflict between ethnic militias and community “self-defense groups.” Attacks perpetrated by armed Islamist groups also threaten populations throughout the Sahel.*

### BACKGROUND

Since 2015 Islamist armed groups have expanded their activities from northern to central Mali, prompting the formation of ethnic militias and armed “self-defense groups” in many communities. Rival armed groups have targeted civilians in an increasing number of attacks in central Mali and Burkina Faso. The violence has also included the burning of villages and destruction of food sources.

A cycle of reprisal attacks in the Mopti region of Mali has dramatically increased since January, with more than 600 people killed in the first six months of the year. Most fighting has taken place between Dozos – traditional hunters mainly from the Dogon ethnic community – and ethnic Bambara fighters, against members of the Fulani community. The UN Mission in Mali (MINUSMA) documented seven incidents between 1 January and 16 February that resulted in the deaths of 49 civilians in the Bankass area of Mopti alone. On 23 March Dozos massacred at least 150 people, including 50 children, in the predominately Fulani village of Ogossagou.

The violence in central Mali is partly a result of a stalled peace process. Following a 2012 military coup, Tuareg separatists and armed Islamist groups seized territory in northern Mali. Despite the presence of MINUSMA and a French-led intervention force, as well as the 2015 signing of the “Bamako Agreement,” violence between government forces and various armed extremist groups – including Ansar Dine, al-Qaida in the Islamic Maghreb and others – has continued in northern Mali. MINUSMA has frequently been attacked by these groups, with 20 peacekeepers killed in malicious acts so far this year. On 3 November at least

53 Malian soldiers were killed in an attack in Indelimane claimed by ISIL.

The porous border between Mali and Burkina Faso has facilitated the expansion of Islamist armed groups throughout the region. Since mid-2018 groups operating in Burkina Faso, particularly Ansaroul Islam, have perpetrated atrocities against populations in Soum Province, near the Mopti region of Mali. In one of the largest attacks in recent years in eastern Burkina Faso, on 8 November at least 37 civilians were killed when armed men ambushed a convoy transporting mine workers in the Est region. The number of people displaced by violence in Burkina Faso has more than doubled since July, with over 500,000 people fleeing their homes.

More than 2,000 schools have been forced to close in Burkina Faso as a result of growing violence. Counter-terrorism operations by the Burkinabè security forces have also led to grave human rights abuses perpetrated against civilians presumed to be sympathetic to Islamist armed groups.

## ANALYSIS

Various parties to the conflict have violated the Bamako Agreement or impeded its implementation. Militias and self-defense groups continue to target civilian populations on the basis of their ethnic and/or religious identity.

Any security response in Mali and Burkina Faso must take mass atrocity risks into consideration in addition to fighting terrorism and countering violent extremism. Weak state institutions, porous borders and arms proliferation have exacerbated conflict in both countries. Despite support from international military forces, Malian and Burkinabe security forces have been unable to provide adequate protection to civilians in the vast regions of central Mali and northern Burkina Faso.

Historically, the Dogon, Bambara and Fulani communities have clashed over access to land, water and grazing rights. However, recent fighting in central Mali and neighboring areas of Burkina Faso has been exploited by armed Islamist groups who have targeted young Fulani men for recruitment. The inability of Mali's government to provide adequate and equal protection to vulnerable populations has accelerated the recruitment into rival armed groups and ethnic militias.

The governments of Burkina Faso and Mali are struggling to uphold their responsibility to protect.

## INTERNATIONAL RESPONSE

Algeria served as a mediator regarding the conflict in Mali, helping to negotiate the Bamako Agreement during 2015.

Following a referral by the interim government of Mali, the ICC launched an investigation into the situation in January 2013. During August 2017 former Ansar Dine leader Ahmad al-Faqi al-Mahdi was sentenced for the war crime of partially destroying the UNESCO World Heritage Site at Timbuktu.

Operation Barkane, a 4,000-member French force, has led the international military response in Mali since January 2013. During July 2017 the G5 Sahel Force was established to combat border insecurity using troops from Burkina Faso, Chad, Mali, Mauritania and Niger.

MINUSMA was authorized by the UNSC during April 2013 with a civilian protection mandate. On 28 June the UNSC renewed MINUSMA for an additional year.

On 23 January 2018 the UNSC authorized the creation of a Col to investigate violations of IHL and IHRL in Mali between 2012 and 2018. On 20 December the UNSC authorized targeted sanctions, including asset freezes and travel bans, on three individuals for obstructing the peace process and violations of human rights, including recruitment of child soldiers and attacks on UN personnel. The Council added five additional people to the sanctions list on 10 July 2019.

On 23 and 24 March 2019 the UNSC met with leaders in Mali and Burkina Faso as part of a visiting mission to the Sahel. During their visit the Council condemned the massacre in Ogossagou.

On 27 March the UN Special Adviser on the Prevention of Genocide issued a statement calling for Malians "to prevent and refrain from stigmatizing entire communities." The Special Adviser released a second statement, together with the Special Advisers on the Responsibility to Protect and on Children and Armed Conflict, on 10 June condemning atrocities perpetrated against civilians in the Mopti region.

## NECESSARY ACTION

While countering violent extremism remains crucial for Mali and Burkina Faso, it is essential that both governments also ensure that their efforts do not further exacerbate inter-communal tensions and are undertaken in strict compliance with IHRL.

Additional measures must be implemented to stem the flow of weapons and end the proliferation of militias and self-defense groups. Disarmament, demobilization and reintegration efforts need to be focused on areas where atrocity risks are increasing in both Mali and Burkina Faso.

The government of Mali, with the support of MINUSMA and OHCHR, should investigate the massacres in the Mopti region and hold all perpetrators accountable. The governments of both Mali and Burkina Faso should work with traditional and religious leaders to develop programs aimed at improving inter-communal relations and reducing recruitment into armed groups and ethnic militias.



## 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.



More than 1,200 people killed and 10,000 arbitrarily detained since April 2015

352,000 refugees in neighboring countries

## BURUNDI

*Severe repression and persecution of alleged government opponents leaves populations in Burundi at risk of crimes against humanity.*

### BACKGROUND

Ongoing violations and abuses of human rights perpetrated by Burundian state forces and affiliated groups against alleged government opponents leave populations at risk of mass atrocity crimes. The HRC-mandated Col on Burundi has found that potential crimes against humanity have been committed since April 2015.

Since the February 2019 registration of a new opposition party - the Congrès national pour la liberté - human rights organizations have raised alarm about increasing repression. According to the Col, elections scheduled for 2020 could trigger further violations and abuses that may amount to crimes against humanity. The Col has found evidence of recent extrajudicial killings and summary executions, enforced disappearances, sexual violence, arbitrary detention and torture of suspected dissidents. Such acts have primarily been carried out by the Imbonerakure, the youth wing of the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, together with members of the National Intelligence Service and police.

The crisis in Burundi developed following the April 2015 announcement 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 1993-2005. Following a failed coup, widespread protests and violence, President Nkurunziza was re-elected during July 2015. Since then, the East African Community (EAC) has attempted to mediate between the government and opposition parties, but with little success.

During August 2019, the governments of Burundi and Tanzania announced a plan for the repatriation of 200,000 Burundian refugees by 31 December 2019. UNHCR has warned that conditions in Burundi are not safe for refugee returns.

### ANALYSIS

Despite President Nkurunziza's announcement that he would not run for an additional term in 2020, the current political environment, characterized by political intolerance, public threats and hate speech, is not conducive to holding free and fair elections. Utilizing the UN's "Framework of Analysis for Atrocity Crimes," on 4 September the Col found that ongoing violence against alleged government opponents constitute systematic attacks that have created an environment that could enable the commission of atrocities.

Ongoing hostility directed towards UN mechanisms and institutions is a disturbing indication of the government's unwillingness to engage with the international community. The government has refused to cooperate with OHCHR, the HRC and ICC, and has openly threatened members of the Col. The government has also banned most independent non-governmental organizations and media outlets.

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

### INTERNATIONAL RESPONSE

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

On 30 September 2016 the HRC created the Col to investigate human rights violations and abuses in Burundi. On 27 September 2019 the HRC extended the mandate of the Col despite the refusal of the government to allow the Commissioners to enter Burundi.

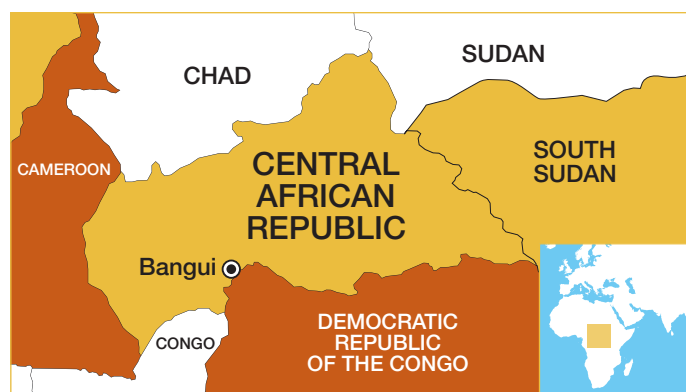
On 24 October 2019 the EU renewed travel bans and asset freezes on four Burundians for serious human rights violations and incitement to violence.

## NECESSARY ACTION

It remains essential that Burundi's government ends the violent targeting of political opponents, opens up political space and engages in inclusive dialogue with civil society. The HRC-mandated Col on Burundi should be granted immediate access to the country.

The EAC should intensify mediation efforts and, together with the AU and UN, support measures to ensure free and fair elections in 2020. The AU should increase the number of human rights observers deployed to the country. Burundian refugees should only be voluntarily repatriated in compliance with international law.

The UNSC should invite the Col to brief the Council and should impose targeted sanctions against all those who continue to threaten peace and security in Burundi, including the list of suspected perpetrators of crimes against humanity produced by the Col in 2018.



1.2 million Central Africans have fled their homes since 2013

## CENTRAL AFRICAN REPUBLIC

*Ongoing violence by armed groups leaves populations in the Central African Republic at risk of recurring mass atrocity crimes.*

### BACKGROUND

On 6 February the government and 14 armed groups signed a peace deal to bring an end to years of armed conflict in the Central African Republic (CAR). Despite the peace process, populations remain at risk. According to the July 2019 report of the UNSC-mandated Panel of Experts on CAR, violations of IHL and IHRL continue to be committed by signatories to the peace agreement. In September 2019 alone, the UN Mission in CAR (MINUSCA) reported 102 incidents of violations and abuses of IHRL committed against civilians. During September violence erupted in Birao, northeastern CAR, resulting in an estimated 25,000 civilians being forcibly displaced by fighting between two signatory armed groups.

Since 2013 endemic violence in CAR has been fueled by predatory armed groups, including factions of the ex-Séléka rebel alliance and anti-balaka militias. These groups have targeted civilians, humanitarian workers and peacekeepers, committed sexual and gender-based violence, and perpetrated attacks on IDP camps, medical facilities and places of worship. Some of the signatories have used the peace agreement to legitimize their de-facto control over territory.

The February agreement, negotiated under the AU-led African Initiative for Peace and Reconciliation, highlights the need to address the root causes of the conflict. It also contains provisions on the disarmament, demobilization and reintegration of former fighters and the establishment of a Truth, Justice, Reparation and Reconciliation Commission.

The crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the mainly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominately Christian anti-balaka militias and the collapse of state institutions. OHCHR has reported that both anti-balaka and ex-Séléka forces may have committed war crimes and crimes against humanity between 2013-2015. A hybrid judicial mechanism – the Special Criminal Court (SCC) for CAR – opened its first session during October 2018, and several investigations are currently underway.

An estimated 1.2 million Central Africans have fled their homes since 2013. The dangerous operating environment also threatens the provision of life-saving humanitarian aid for an estimated 2.6 million people.

### ANALYSIS

Ongoing fighting between armed groups, including parties to the February agreement, highlights the persistent risk of renewed country-wide conflict. Governmental control remains extremely limited outside the capital. Illegal trafficking allows for arms proliferation and armed groups benefit from revenues generated through the control of roads and natural resource extraction sites.

The promotion of leaders of armed groups responsible for past atrocity crimes into senior governmental roles potentially undermines the credibility of the justice process. The SCC urgently requires international assistance to strengthen its investigative capacity and provide protection for victims and witnesses.

The CAR government requires ongoing international assistance to stabilize the country and uphold its responsibility to protect.

### INTERNATIONAL RESPONSE

The UNSC has passed 13 resolutions since October 2013 that emphasize the government's responsibility to protect populations in CAR. On 31 January 2019 the UNSC extended the sanctions regime that has been in place since 2013. On

12 September the UNSC decided to partially ease the arms embargo to ensure greater training and equipment for defense and security forces. On 15 November the UNSC extended the mandate of MINUSCA for one year.

During May 2014 the government referred the situation in CAR to the ICC, which opened an investigation into alleged war crimes and crimes against humanity by both Séléka and anti-balaka forces. Two former anti-balaka leaders, Alfred Yekatom and Patrice-Edouard Ngaïssona, have been transferred to the ICC.

### NECESSARY ACTION

The UNSC should further increase resources for MINUSCA to support the implementation of the peace agreement. MINUSCA must prioritize the protection of civilians and continue to strengthen its early warning capacity to prevent civilian harm.

The government should prioritize accountability for mass atrocity crimes by continuing its cooperation with the ICC and by ensuring the SCC can fulfill its mandate. Signatories to the peace deal should fully participate in the follow-up mechanisms established under the February agreement, refrain from any action limiting the restoration of state authority, and fully comply with their obligations under IHL.

The UNSC and AU should closely monitor implementation of the peace agreement and impose targeted sanctions on any individuals or groups that breach its key provisions. Criteria for the further suspension of the international arms embargo must focus on the successful reintegration of former fighters and on halting the illicit trafficking of weapons by armed groups.



At least 145 civilians have been killed and over 100,000 displaced since 4 April 2019

## LIBYA

*Civilians in Libya face possible war crimes as a result of ongoing fighting between rival armed groups and competing governmental authorities.*

### BACKGROUND

On 4 April 2019 Field Marshal Khalifa Haftar ordered his self-proclaimed Libyan National Army (LNA) to launch an offensive against the UN-backed Government of National Accord (GNA) based in Tripoli. Fighting has taken place in heavily populated areas of Tripoli, resulting in over 120,000 people displaced and more than 100 civilians killed, including 53 people in an LNA airstrike on a detention center for migrants and asylum seekers on 3 July. The UN Support Mission in Libya (UNSMIL) has also reported more than 58 attacks on healthcare facilities so far this year.

Fighting has also intensified in the southern city of Murzuq since 4 August when the LNA bombed a townhall meeting, killing 43 civilians. According to OCHA, heavy artillery fire in residential areas of Tripoli and Murzuq has blocked emergency services and aid from reaching vulnerable civilians and fear of reprisals has prevented people from fleeing to safety.

The current political crisis has its origins in the 2011 overthrow of the Libyan government by various rebel forces. Despite the 2015 signing of the Libyan Political Agreement, which led to the creation of the GNA, Haftar and the LNA continue to contest its legitimacy and aim to militarily seize control of the country. Various armed militias also continue to commit extrajudicial killings, torture and abductions and have indiscriminately attacked civilian areas.

Armed militias in Libya also facilitate human trafficking and the enslavement of African migrants and asylum seekers attempting to cross the Mediterranean Sea to Europe. As of September 2019 the International Organization for Migration estimated that more than 655,000 migrants and asylum seekers were in

detention centers in Libya, where many are subject to a range of abuses, including sexual violence.

## ANALYSIS

Since 2011 various transitional governing bodies have failed to restore peace and stability to the country. While the conflict has been presented as a battle between secular, moderate forces and their extremist Islamist rivals, in reality it is dominated by shifting personal, tribal and regional enmities and alliances.

The UN-facilitated peace process faces many obstacles and delays. During April the LNA offensive caused the cancellation of a national conference to determine a timeline for democratic elections.

Armed groups on all sides have violated IHL and IHRL. UNSMIL has said that some airstrikes may amount to war crimes. There is also evidence that competing regional and international powers, including at least two permanent members of the UNSC, have provided arms and support to parties to the conflict, despite a UN-mandated arms embargo.

The GNA needs urgent and sustained international assistance in order to end violations of IHL, establish the rule of law and uphold its responsibility to protect.

## INTERNATIONAL RESPONSE

On 26 February 2011 the UNSC passed Resolution 1970, calling upon the former Libyan government to cease attacks on civilians and uphold its responsibility to protect. Resolution 1973 of 17 March 2011 called upon UN member states to take "all necessary measures" to protect civilians and led to an international military intervention. Libyan rebel forces overthrew the government and murdered the former dictator, Muammar al-Qaddafi, in October 2011. Following the end of Libya's 2011 civil war, international engagement to assist in rebuilding government institutions waned.

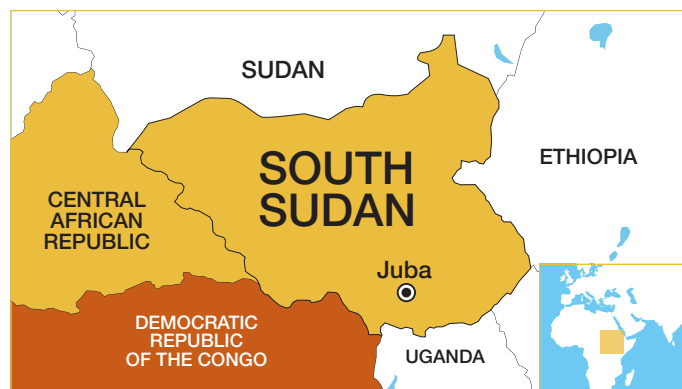
On 15 August 2017 the ICC issued an arrest warrant for Major Mahmoud Mustafa Busayf al-Werfalli of the LNA for alleged war crimes committed during 2016 and 2017.

On 7 June 2018 the UNSC imposed targeted sanctions on six individuals accused of people smuggling in Libya. On 10 June 2019 the UNSC adopted Resolution 2473 renewing the arms embargo for one year.

## NECESSARY ACTION

The UNSC should impose targeted sanctions against all individuals and forces who actively seek to subvert the peace process, including Haftar and the LNA. All armed groups need to uphold their obligations under IHL and immediately cease military operations in heavily populated areas. All UN member states need to act in accordance with the arms embargo.

All those responsible for mass atrocities in Libya, both past and present, should be held accountable for their crimes.



3.7 million people  
remain displaced

1,157 cases of conflict-related  
sexual violence during 2018

## SOUTH SUDAN

*Despite a September 2018 peace agreement, the risk of recurring armed conflict between government forces and armed rebel groups continues to pose a threat to civilians in South Sudan.*

### BACKGROUND

On 12 September 2018 a Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was signed by the parties to the conflict – including President Salva Kiir and former Vice President Riek Machar – formally ending the civil war that started during December 2013. Since the signing, there have been severe delays in implementing crucial components of the R-ARCSS, including the reunification of the armed forces, the demarcation of state borders, and the establishment of a Transitional Government of National Unity (TGoNU). On 7 November President Kiir and Machar agreed to extend the deadline for the formation of the TGoNU for an additional 100 days.

Although a ceasefire has largely been maintained and armed violence has reduced since September 2018, clashes between government forces and rebel groups that refused to sign the R-ARCSS, including the National Salvation Front (NAS), continue to pose a threat to civilians. During September approximately 1,600 people, mainly women and children, fled to Yei following clashes between the government forces and the NAS in Otego, in Central Equatoria.

Between December 2013 and August 2015 an estimated 400,000 people in South Sudan were killed as the Sudan People's Liberation Army (SPLA) and armed rebels from the SPLA-IO perpetrated war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence. Despite the signing of numerous peace agreements between August 2015 and September 2018, atrocities continued.

Since December 2013 an estimated 3.7 million South Sudanese have been forced to flee their homes, with 2.3 million refugees

spread across neighboring countries. Since the signing of the peace agreement in September 2018, refugees and IDPs are slowly returning. According to OCHA, 6.35 million people remain severely food insecure.

## ANALYSIS

Political instability and armed conflict have been pervasive in South Sudan for the majority of its eight years of independence and numerous previous peace agreements have failed. The establishment of the TGoNU could enable South Sudan to start addressing long-term social challenges and political divisions, including recurring inter-communal violence.

In the past, sections of the SPLA were largely organized along ethnic lines, resulting in clashes between those loyal to Machar and those loyal to Kiir. Disputes over state boundaries were also linked to wider arguments between the government and opposition regarding perceptions of ethnic favoritism and the abuse of power.

Despite an August 2015 agreement calling for an independent Hybrid Court for South Sudan to investigate atrocities committed during the conflict, the government has repeatedly delayed its formation. The R-ARCSS includes new timelines for the establishment of transitional justice mechanisms and the Hybrid Court. During 2018 the UN Development Programme, in collaboration with the government, supported a mobile court system that was deployed to nine areas across the country and decided 273 cases, including on sexual and gender-based violence.

The government of South Sudan must uphold its responsibility to protect, including by fully and expeditiously implementing the R-ARCSS.

## INTERNATIONAL RESPONSE

Several regional actors, including the Intergovernmental Authority on Development (IGAD), Kenya, Sudan and Uganda, facilitated the peace process in South Sudan. These combined efforts culminated in the signing of the R-ARCSS.

On 15 March 2019 the UNSC extended the mandate of UNMISS until March 2020, emphasizing that “South Sudan’s government bears the primary responsibility to protect its populations” and expressing concern that despite the R-ARCSS, violations that may amount to war crimes and crimes against humanity continue. On 30 May the UNSC extended South Sudan’s sanctions regime, including the arms embargo imposed in 2018.

On 21 March the HRC extended the mandate of the Commission on Human Rights in South Sudan for another year, emphasizing that the government has “the responsibility to protect all of its population in the country from genocide, war crimes, ethnic cleansing and crimes against humanity.”

## NECESSARY ACTION

The AU, IGAD and neighboring countries should actively assist in imposing and monitoring the arms embargo. The international

community must continue to exert sustained diplomatic pressure on all parties to the R-ARCSS to ensure its full implementation following the postponement of critical deadlines.

The AU and the government should expeditiously establish the Hybrid Court and ensure that it has the resources to investigate and prosecute individuals responsible for mass atrocities. All perpetrators of such crimes should be held accountable, regardless of their affiliation or position.



Over 8,300 extrajudicial killings and 12,000 people arbitrarily detained since 2014

## VENEZUELA

*Ongoing state-led violence in Venezuela leaves populations at risk of potential crimes against humanity.*

## BACKGROUND

Since President Nicolas Maduro took office during 2013, popular discontent with the government has led to widespread protests in Venezuela. A catastrophic economic crisis has resulted in hyper-inflation, food shortages and the collapse of essential services. The government has routinely responded to mass protests with disproportionate and deadly force as well as the mobilization of pro-government groups, including so-called armed “colectivos.” During 2018 a panel of independent experts mandated by the Organization of American States (OAS) accused the government of Venezuela of perpetrating crimes against humanity.

The Venezuelan government has reported that 6,856 people have been killed in “security operations” since January 2018. From 19-21 June the UN High Commissioner for Human Rights undertook her first official visit to Venezuela, raising alarm about an “unusually high” number of suspected extrajudicial killings. The High Commissioner has also reported on the arbitrary detention of government opponents and their family members, often accompanied by allegations of torture, ill-treatment and/or sexual and gender-based violence.



Despite allegations of electoral fraud, President Maduro was re-elected in May 2018. The start of his second term in January 2019 sparked a diplomatic crisis as the United States and many Latin American and European countries recognized the leader of the opposition-controlled National Assembly, Juan Guaidó, as interim President. While the government of Norway has mediated between the government and opposition since May 2019, the process ended in September without any formal progress.

According to OCHA, an estimated 7 million people, 25 percent of the population, are in need of urgent humanitarian assistance.

## **ANALYSIS**

In the midst of an ongoing struggle between the government and opposition for control of the state, Venezuelans face an enduring risk of potential atrocity crimes. Following years of the militarization of state institutions, the leadership of the armed forces and all government structures remain deeply politicized. Ongoing political violence has created an environment that facilitates the commission of serious violations and abuses of human rights, some of which may amount to crimes against humanity.

The expansion of US economic sanctions against the Maduro government is likely to further exacerbate the humanitarian emergency by putting at risk the importation of essential goods, including food and medicine.

The government is failing to uphold its responsibility to protect all Venezuelans regardless of political affiliation.

## **INTERNATIONAL RESPONSE**

Various governments, including the majority of OAS member states, have publicly criticized systematic human rights violations and abuses in Venezuela. More than 50 governments now recognize Guaidó as interim President.

Since November 2017 the EU has imposed travel bans and asset freezes on 25 senior government officials. The US has imposed extensive sanctions on Maduro, his family and senior members of his government.

On 26 September 2018 six states referred the situation in Venezuela to the ICC. By requesting the Chief Prosecutor open a formal investigation into possible crimes against humanity, Argentina, Canada, Chile, Colombia, Paraguay and Peru became the first countries to refer a situation to the ICC for crimes that took place in the territory of another state party.

On 27 September 2019, under the leadership the so-called "Lima Group," the HRC adopted a resolution establishing an independent Fact-Finding Mission for Venezuela, mandated to investigate ongoing serious violations and abuses of human rights.

Despite ongoing human rights violations and abuses, on 17 October Venezuela was elected to the HRC for the 2020-2022 term.

## **NECESSARY ACTION**

The government must immediately end the systematic persecution of its political opponents, demobilize auxiliary militias, ensure impartial investigations of all extrajudicial killings, and lift all unreasonable restrictions on humanitarian relief.

The HRC should ensure the swift operationalization of the FFM. The government should fully cooperate with the FFM and grant its members unrestricted access to the country. The government should also uphold its commitment to grant OHCHR full access to detention centers.

UN member states should impose targeted sanctions on all senior government officials responsible for systematic violations and abuses of human rights, but refrain from any measures that may further limit the population's access to basic goods and essential services.

# R2P MONITOR

**Global Centre for the  
Responsibility to Protect**

**Ralph Bunche Institute for  
International Studies**

The CUNY Graduate Center,  
365 Fifth Avenue, Suite 5203,  
New York, NY 10016, USA

Phone: (+1) 212.817.1929

[www.globalr2p.org](http://www.globalr2p.org)

Email: [info@globalr2p.org](mailto:info@globalr2p.org)

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**Executive Director**

Simon Adams

**Deputy Executive Director**

Savita Pawnday

**Publications Director**

Jaclyn D. Streitfeld-Hall

**Contributors**

Sarah Hunter, Nadira Khudayberdieva,  
Juliette Paauwe, Jahaan Pittalwala,  
Elisabeth Pramendorfer

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