

# 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 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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\* Not covered in this issue

## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



## SYRIA

*Populations in Syria continue to face crimes against humanity perpetrated by the state security forces.*

### BACKGROUND

Over the past twelve months President Bashar al-Assad has sanctioned the Syrian security forces' use of tanks, artillery and other heavy weapons against centers of anti-government protest. Violence against civilians has included the mass deployment of troops, the use of snipers and the indiscriminate firing of live ammunition to disperse and terrorize protesters.

Since March 2011 widespread killings of civilians have taken place in Damascus, Daraa, Hama, Rastan, Jisr al-Shughour, Latakia, Idlib, Douma and Homs. On 28 February 2012 the UN Under-Secretary-General for Political Affairs, B. Lynn Pascoe, declared that "well over 7,500 people" have been killed in the conflict. The Office of the UN High Commissioner for Refugees (UNHCR) estimates that 200,000 Syrians are currently internally displaced by the violence, and that 30,000 have fled to neighboring countries.

Despite the Syrian government's agreement to a League of Arab States' (Arab League) peace plan in November and its public claim to be fulfilling its Responsibility to Protect, mass atrocity crimes continue. February saw the worst violence to date with the government targeting residential areas regarded as opposition strongholds in Homs. Indiscriminate shelling resulted in approximately 700 civilian deaths between 3 February and 2 March according to Human Rights Watch and local sources.

An updated 22 February report from the UN Human Rights Council (HRC)-mandated independent international Commission of Inquiry identified a "widespread and systematic pattern of gross violations committed by State forces" against the Syrian population and asserted that the

government, having "manifestly failed in its responsibility to protect its people," has committed crimes against humanity.

Attempts to pass a UN Security Council (UNSC) resolution condemning violence perpetrated by the Syrian government have been thwarted by vetoes from Russia and China. On 13 February the UN High Commissioner for Human Rights, Navi Pillay, said the failure of the UNSC to agree on collective action emboldened the Syrian government "to plan an all-out assault in an effort to crush resistance with overwhelming force."

The second UNSC veto on 4 February coincided with the siege and bombardment of the Baba Amr residential district of Homs. As a result of sustained artillery, rocket and mortar fire from government security forces, the humanitarian situation reached the level of acute crisis with a desperate need for "medical assistance, food and basic supplies" according to UN Under-Secretary-General for Humanitarian Affairs, Valerie Amos.

Recent reports suggest that pro-government "shabiha" militia may have carried out massacres against groups of women and children in the Karm el-Zeitoun and Jobar districts of Homs, after the Syrian military regained control of the area. Following the government's assault on Homs, the Syrian military launched a similar attack on Idlib at the same time that President Assad was meeting with UN-Arab League Special Envoy Kofi Annan.

### ANALYSIS

Tensions within Syria remain extremely high and the violence shows no sign of abating. The government appears determined to pursue a military solution to its crisis of legitimacy.

Despite promises of reform by President Assad, there has been little attempt to seriously address the concerns of the protest movement. Though a referendum on constitutional reform took place on 26 February 2012, the security forces have intensified military operations, with attacks increasing in frequency and scale.

Armed resistance and sectarian tensions are also increasing. The Free Syrian Army (FSA) and other armed groups are actively fighting government forces in Homs and elsewhere. Meanwhile the most prominent opposition group, the Syrian National Council (SNC), remains divided over issues of leadership and strategy.

A deepening rift between the predominately Sunni opposition and mainly pro-government Alawites may further fracture the country along sectarian lines and threatens to complicate the prospects for a peaceful resolution to

the conflict. There are growing fears for the safety and security of Alawites, Kurds, Christians and other minorities.

External political influence upon the Syrian government via the UN and regional actors, including the Arab League and Turkey, remains weak. Syria's key regional ally, Iran, appears steadfast in its defense of the Assad regime. Russia continues to provide the government with arms and crucial political support. Saudi Arabia and Qatar have expressed a desire to arm the opposition. There is a growing possibility of a full scale civil war that would put populations at even greater risk of further mass atrocities.

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

### INTERNATIONAL RESPONSE

Following the outbreak of violence in March 2011, the international community responded by censuring the regime for its widespread violations of human rights. [See GCR2P's [Timeline of International Response to the Situation in Syria](#).]

On 2 November 2011 the Syrian government accepted an Arab League peace plan in which it committed to withdraw its military forces from civilian areas, negotiate with the opposition and release political prisoners. Despite the agreement, the government launched a major military offensive in Homs and Hama, resulting in further mass atrocity crimes. On 12 November the Arab League voted to suspend Syria from the organization and imposed sanctions.

During November Turkey announced expanded sanctions directed at the Syrian government and began openly supporting the opposition.

On 28 November the HRC released the independent international Commission of Inquiry's report detailing extensive crimes against humanity committed by the Syrian government. On 2 December the HRC passed a resolution condemning Syria and referred the report to the UN Secretary-General.

A team of Arab League monitors arrived in Syria on 22 December and began to deploy throughout the country. Amidst escalating violence, the Arab League suspended the mission on 28 January.

Two draft resolutions on Syria have been put to a vote at the UNSC. A European-sponsored resolution on 4 October proposed travel bans, an arms embargo and other sanctions, receiving 9 positive votes. South Africa, India, Brazil and Lebanon abstained, while China and Russia vetoed. The 4 February resolution condemned the ongoing violence and called upon the Syrian government to uphold its commitments under the Arab League plan signed in November. Although 13 UNSC members voted in favor of the resolution, Russia and China vetoed again.

The UN General Assembly (UNGA) has also considered two resolutions. The first, passed on 19 December and co-sponsored by 61 states (including 6 Arab countries), condemned the violence in Syria and supported the Arab League's plan. The resolution received 133 affirmative votes, 11 against and 43 abstentions. The UNGA passed a second similar resolution on 16 February with 137 votes for, 12 against and 17 abstentions.

On 23 February UN Secretary-General Ban Ki-moon announced the appointment of Kofi Annan as the UN-Arab League Special Envoy to Syria, with a mandate to promote a peaceful political solution to the crisis.

The "Friends of Syria" group of countries met in Tunis on 24 February to consider options for collective international action. The outcome declaration demanded an immediate ceasefire to allow humanitarian relief operations and recognized the SNC as a legitimate representative of the Syrian people.

On 29 February the HRC adopted a resolution condemning the "widespread and systematic violations of human rights" in Syria. The UNSC issued a Press Statement on 1 March calling upon the Syrian government to "allow immediate, full and unimpeded access of humanitarian personnel to all populations in need of assistance, in accordance with international law."

### NECESSARY ACTION

The UNSC should demand an immediate ceasefire and unhindered humanitarian access to civilian areas that have been subjected to military siege and bombardment. The UNSC must strongly condemn the commission of crimes against humanity in Syria, impose an arms embargo and authorize targeted sanctions against those within, or associated with, the Syrian government who are responsible for mass atrocity crimes. The UNSC should also refer the situation to the ICC for investigation.

Full cooperation, with diplomatic and material support, should be given to the mission of the UN-Arab League Special Envoy, Kofi Annan. The UNGA and HRC should consider further diplomatic action highlighting ongoing mass atrocity crimes in Syria.

### MORE INFORMATION:

- » [UNGA Resolution A/RES/66/253](#), 16 February 2012.
- » [HRC Report A/RES/19/69](#), 22 February 2012.
- » [HRC Resolution A/HRC/19/L.1](#), 29 February 2012.
- » [GCR2P Populations at Risk: Syria](#)



## SUDAN

*Crimes against humanity and war crimes are being perpetrated by the Sudanese Armed Forces in the Republic of Sudan provinces of South Kordofan and Blue Nile. Populations are also at risk in Abyei and Darfur.*

### BACKGROUND

In advance of South Sudan's transition to independent statehood on 9 July 2011, violence broke out on the contested border between Sudan and South Sudan. The armed clashes, which started in Abyei and then spread to South Kordofan and Blue Nile, are partly a result of unimplemented aspects of the Comprehensive Peace Agreement (CPA).

On 22 May 2011 the Sudanese Armed Forces (SAF) militarily seized the contested border region of Abyei and set fire to villages, displacing at least 110,000 civilians according to UN estimates. Neither the SAF nor South Sudanese security personnel have fully withdrawn from Abyei despite a 20 June agreement to redeploy from the area. Ongoing conflict between Abyei's Misseriya and Ngok Dinka ethnic groups creates the potential for further violence.

During June increased violence spread to Sudan's south-eastern province of South Kordofan and to Blue Nile during September. What began as a SAF operation against the Sudanese People's Liberation Movement–North (SPLM-N), a rebel group that fought alongside its southern counterparts during Sudan's long civil war (1983–2005), puts populations living in these regions at grave risk of further mass atrocities.

For more than nine months the SAF, along with allied paramilitaries from the Popular Defense Forces, have deployed systematic violence against civilians in South Kordofan and Blue Nile. This has included extra-judicial killings, indiscriminate aerial bombardment and forced displacement of local populations considered to be opposed to the rule of the Sudanese government. There have also been reports that the SPLM-N have carried out extra-judicial killings.

According to the UN more than 360,000 people have been displaced from South Kordofan and Blue Nile with those in

the Nuba Mountains facing the threat of starvation. The Famine Early Warning System Network cautioned that by early March 2012 food insecurity would deteriorate to a Phase 4 humanitarian emergency. Both the SAF and SPLM-N have played a role in exacerbating the crisis.

Further complicating humanitarian efforts is the 8 April 2012 deadline for Sudanese and South Sudanese migrants to normalize their status with the host authorities or return to their respective countries. The African Union (AU) and various aid agencies are concerned that an estimated 500,000–700,000 southerners living in Sudan will be unable to meet this deadline, effectively leaving them stateless. A framework agreement was negotiated on 13 March, but substantive issues remain unresolved.

Exacerbating the north/south conflict is a bitter dispute over oil transit fees between Sudan and South Sudan. Relations deteriorated further following a major clash between the SAF and armed rebels in the contested area of Jau on 27 February 2012. The Sudanese government accused South Sudan of arming the rebels and participating in "a direct and blatant attack on Sudan's sovereignty and security." South Sudan has refuted the allegations. The subsequent bombing of oil fields in South Sudan's Unity State by the SAF on 29 February, coupled with outstanding political grievances, could potentially spill over into a wider conflict. This would dramatically increase the likelihood of further mass atrocity crimes.

The build-up of troops continues on both sides of the border, while crimes against humanity and war crimes continue to be perpetrated in South Kordofan and Blue Nile.

The situation in Darfur also remains a serious concern. In early May 2011 the UN reported that the SAF had carried out airstrikes against villages in Darfur with as many as 70,000 people (mainly ethnic Zaghawa and Fur) displaced by the renewed violence. The SAF killed the leader of the Justice and Equality Movement rebel group in December. Two UN-AU peacekeepers were killed in Darfur between January and February 2012. Despite the presence of UN-AU peacekeepers, the situation in Darfur remains volatile.

### ANALYSIS

The government of Sudan has a history of perpetrating mass atrocity crimes in Darfur and during its civil war with the south. Following the independence of South Sudan a discernible political shift has taken place inside the government of Sudan with hardliners from the ruling National Congress Party and the military gaining the upper hand. Over many years the government of Sudan has defied external pressure to halt mass atrocity crimes and hold perpetrators accountable.

China and members of the Arab League, who have major investments in Sudan, can potentially influence the regime's behavior. Both the AU and the Arab League have recently



undertaken diplomatic initiatives to try to facilitate humanitarian access to Blue Nile and South Kordofan.

The government of Sudan has demonstrated that it is unwilling to uphold its Responsibility to Protect as it continues to attack civilians and impede humanitarian access to South Kordofan and Blue Nile. Crimes against humanity and war crimes continue to be committed with impunity.

### **INTERNATIONAL RESPONSE**

Sudan has been the subject of various UNSC resolutions (eight in 2011 alone) and the President of Sudan, Omar al-Bashir, has been indicted by the ICC for war crimes, genocide and crimes against humanity in Darfur.

UN peacekeeping missions currently exist in Darfur (UNAMID – joint mission with the AU) and in Abyei (UNISFA). On 14 December 2011 the UNSC expanded UNISFA's mandate to include a border monitoring support role and on 22 December it extended UNISFA's mandate until 22 May 2012.

On 10 February the governments of Sudan and South Sudan signed a Memorandum of Understanding (MoU) on Non-Aggression and Cooperation, under the guidance of an AU High-Level Implementation Panel. The AU Peace and Security Council has since expressed concern over alleged violations of the MoU following reports of SAF attacks in Jau.

The UNSC issued a Press Statement on 14 February expressing deep concern regarding the deteriorating crisis in South Kordofan and Blue Nile, in particular the rising levels of malnutrition and food insecurity. The UNSC called upon Sudan and the SPLM-N to allow immediate humanitarian access to affected areas.

During February the UN, AU and Arab League submitted a tripartite proposal to facilitate humanitarian access to South Kordofan and Blue Nile. The government of Sudan has yet to fully accept the proposal, but on 24 February it allowed a limited number of UN personnel into South Kordofan.

On 1 March the ICC issued an arrest warrant for Sudan's Defense Minister, Abdel Raheem Muhammed Hussein, for war crimes and crimes against humanity committed in Darfur between 2003 and 2004. The current governor of South Kordofan, Ahmad Harun, has also been indicted by the ICC for war crimes and crimes against humanity committed in Darfur.

The UNSC issued a Presidential Statement on 6 March demanding that both Sudan and South Sudan respect the MoU, cease military operations in the border areas and put an end to the cycle of violence.

### **NECESSARY ACTION**

The UNSC, AU, Arab League and other key international actors should demand an immediate ceasefire between the government and rebel forces as well as unimpeded humanitarian access to South Kordofan and Blue Nile.

Security forces from both Sudan and South Sudan must withdraw from Abyei as previously agreed. The UN should push the parties to establish a demilitarized zone and agree upon the 10 locations that will serve as bases for the joint verification and border monitoring mission.

Sudan and South Sudan should extend the deadline for normalizing the status of foreign citizens and ensure they are given their requisite rights.

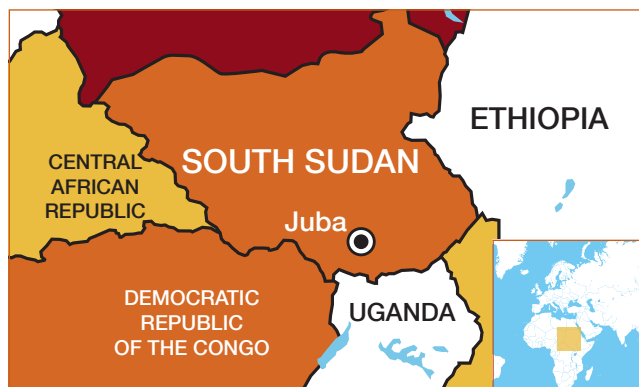
All crimes against humanity and war crimes perpetrated in South Kordofan, Blue Nile, Abyei and Darfur should be thoroughly investigated by a credible and independent body authorized by the UN.

### **MORE INFORMATION**

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Resolution S/RES/2035](#), 17 February 2012
- » [GCR2P Populations at Risk: Sudan](#)

## IMMINENT RISK

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



## SOUTH SUDAN

*Ethnic violence in South Sudan and the unresolved border conflict with the Republic of Sudan creates an imminent risk of mass atrocity crimes.*

### BACKGROUND

On 9 January 2011 the people of southern Sudan voted for secession from the Republic of the Sudan in a referendum mandated by the 2005 CPA that ended the country's long north/south civil war. Since independence on 9 July, relations have deteriorated between the two countries with populations facing possible mass atrocity crimes. [See also, Sudan section above.]

The government of South Sudan's focus on cross-border conflict in the north of the country, especially near Abyei and Jau, has drawn attention away from internal problems, in particular inter-communal violence in Jonglei State.

In recent decades the traditional practice of cattle rustling between Murle and Lou Nuer ethnic communities has intensified in scale and scope, partly due to the proliferation of small arms. Recent raids have involved a growing trend of child abductions, exacerbating tensions between the two communities. The past year has seen a pattern of expanding retaliatory violence starting with the Lou Nuer killing hundreds of Murle in Pibor County during June 2011. The Murle responded by attacking Lou Nuer civilians in Pieri and Pulchoul on 18 August, resulting in as many as 600 fatalities according to the UN.

Despite UN-assisted mediation efforts, an estimated 8,000 armed Lou Nuer youth marched towards Pibor County during late December. The group attacked Likuangle on 26 December, burning down the village, killing people and displacing tens of thousands of civilians. In a press

statement, people claiming to represent the "Lou and Jikany Youth in Jonglei State" stated their intention to "wipe out the entire Murle tribe." After intervention by the UN Mission in South Sudan (UNMISS) and government forces, the group left Pibor County on 4 January 2012 with a significant portion of the Murle's livestock.

Since mid-December there have been at least 25 inter-communal revenge attacks. On 16 January an estimated 300-400 Murle youths attacked Duk Padiet killing up to 85 people and displacing 20,000 according to the UN and local officials. Members of both ethnic groups have utilized hate speech and incited retaliation.

The government has deployed 12,000 Sudanese People's Liberation Army (SPLA) troops to Jonglei State as of 12 March, with the aim of initiating a disarmament campaign. The government plans to extend the disarmament campaign to the neighboring states of Lake, Unity and Warrap. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), at least 78 civilians in Warrap State were killed in ethnic violence by marauding armed groups on 28 January. On 9 March, ahead of the disarmament campaign, ethnic armed groups clashed in Upper Nile State and along the border with Ethiopia, resulting in an unconfirmed number of deaths.

### ANALYSIS

Despite the successful negotiation of national independence and the existence of the CPA, few domestic institutions exist that are capable of alleviating conflict in South Sudan. The government of South Sudan's initial response in Jonglei State was slow and insufficient. The failure to adequately protect civilians poses a significant risk to South Sudan's overall cohesion and stability.

Ongoing conflict with the Republic of Sudan as well as border incursions and refugee flows from neighboring South Kordofan, Blue Nile and Abyei creates further instability. Given that South Sudan receives an estimated 98 per cent of its revenue from oil, the dispute with Sudan over oil transit fees poses a serious threat to the government's capacity to address these complex challenges.

While welcoming the government's attempt to confront the inter-communal violence, concerns surround their decision to forcibly disarm communities. Several prominent NGOs have documented human rights abuses carried out by the SPLA during past disarmament campaigns. An abundance of small arms in South Sudan will also make it difficult to

ensure that communities do not re-arm, especially given the absence of effective policing in Jonglei State.

South Sudan is struggling to uphold its Responsibility to Protect and requires ongoing international assistance

### INTERNATIONAL RESPONSE

The UNMISS peacekeeping mission was established on 9 July 2011 through UNSC Resolution 1996. On 30 December UNMISS announced that an extra battalion of peacekeepers were being deployed to Pibor, Jonglei State, "in support of the government of South Sudan's primary responsibility to protect civilians."

Following the attacks in Jonglei State, on 9 January the UNSC issued a Presidential Statement deploring the loss of life and emphasizing the "primary responsibility of the Government of the Republic of South Sudan to protect its population."

UNMISS has continued to meet with South Sudanese officials and village elders in an effort to alleviate tensions. On 19 January the UN Special Representative of the Secretary-General in South Sudan, Hilde Johnson, urged the government to "bring the full force of the law to bear against those responsible for inciting violence." On 13 March, responding to renewed violence, Johnson reiterated the need for the government to "effectively carry out its responsibility to protect the civilian population."

### NECESSARY ACTION

UNMISS should be given additional resources to adequately support the government of South Sudan's efforts to protect civilians. Urgent provision must be made to increase the number of helicopters available to UNMISS, which will help in the rapid deployment of personnel and deter future attacks. Additional human rights awareness training of police and SPLA soldiers needs to be adequately resourced.

With UNMISS assistance, the government of South Sudan should establish a committee to investigate the Murle and Lou Nuer attacks in Jonglei State and hold those who perpetrated the violence accountable.

The international community still has a vital role to play by assisting the government of South Sudan with security sector reform. The SPLA and UNMISS need to provide a suitable buffer zone between Pibor and Akobo to actively prevent cattle raids and the movement of large armed groups between the counties. Following this, a coordinated and balanced disarmament initiative should be implemented with the SPLA protecting isolated, vulnerable villages.

### MORE INFORMATION

- » [UNMISS Website](#)
- » [UNSC Resolution S/RES/1996](#), 8 July 2011
- » ["South Sudan: Justice Needed to Stem Violence"](#), Human Rights Watch, 10 February 2012
- » [GCR2P Populations at Risk: South Sudan](#)



## DEMOCRATIC REPUBLIC OF THE CONGO

*There is an imminent risk of further crimes against humanity being perpetrated by state and non-state actors operating in the eastern and northern regions of the Democratic Republic of the Congo.*

### BACKGROUND

On 28 November 2011 the Democratic Republic of the Congo (DRC) held presidential and legislative elections. Dispute over the electoral process posed a grave threat to the DRC because of the weakness of central authority, a culture of impunity, and deep divisions remaining from the 1998–2003 civil war. During the election period 42 people were killed and there were reports of widespread voting irregularities. In North Kivu the Congress for the Defense of the People (CNDP), former rebels now integrated into the Congolese army, allegedly participated in widespread voter intimidation.

Armed groups that have been operating for more than a decade in the eastern and northern DRC – particularly in North Kivu, South Kivu and Orientale Province – used instability caused by the elections to commit further mass atrocity crimes. Activity by the Lord's Resistance Army (LRA), Democratic Forces for the Liberation of Rwanda (FDLR) and other armed groups increased while security forces and UN peacekeepers were redeployed elsewhere.

According to a UN OCHA report, more than two thirds of the LRA's documented attacks in 2011 occurred in the DRC. During the elections the LRA attacked local villagers near Faradje, Orientale Province. Field staff for the UNHCR reported that throughout January and February 2012 the LRA attacked villages more than 20 times in Orientale Province, killing and abducting civilians while leaving more than 3000 people displaced. [See also, Central Africa section below.]

Since December 2011 the FDLR has attacked civilians in North Kivu, targeting IDPs and remote villages. On 1 and 4 January 2012 the FDLR conducted two attacks in Shibunda territory, killing 45 people. The UNHCR raised alarm over the FDLR committing atrocities in IDP camps, including

torturing and killing civilians. The UN Special Representative to the Secretary-General in DRC, Roger Meece, also raised concern over renewed activity by the FDLR in North Kivu and South Kivu during a 7 February address to the UNSC.

The UN Secretary-General issued a report on conflict-related sexual violence on 13 January 2012, documenting thousands of cases of sexual violence perpetrated in North Kivu, South Kivu and Orientale Province during 2010–2011. These crimes were committed by individuals from armed groups, including the FDLR and LRA, as well as elements of the DRC's security forces, namely the Armed Forces of the DRC (FARDC) and the CNDP.

More than 100,000 civilians have fled their homes in the past three months. There are now more than 1.7 million IDPs and hundreds of thousands of refugees in neighboring countries who remain at risk of violence, disease and starvation.

## ANALYSIS

The initial threat posed by the November 2011 elections has passed, but tensions across the DRC remain high following the February 2012 announcement of results of the legislative elections. Questions over the legitimacy of results have increased general instability, particularly in the eastern DRC where armed groups have intensified attacks. While violence during the voting period was contained, there is an ongoing risk of individuals being targeted on the basis of their ethnicity and perceived political orientation. The risk is especially high in parts of North Kivu where results are still to be announced.

The weakness of government structures undermines attempts to develop peaceful solutions and protect civilians. More than ten years of effort towards security sector reform has been slow to produce results. In 2008 President Kabila announced a “Zero Tolerance Policy” for sexual violence, but this has done little to reduce the volume of these attacks.

As long as armed groups are able to operate with impunity in North Kivu, South Kivu and Orientale Province they will continue to perpetrate crimes against humanity.

The government of the DRC has struggled to meet its Responsibility to Protect and in some cases has actually been complicit in previous crimes against humanity and war crimes.

## INTERNATIONAL RESPONSE

There has been a UN peacekeeping force in the DRC for almost ten years. The Stabilisation Mission in the DRC (MONUSCO) is currently responsible for almost 19,000 uniformed UN personnel and operates under a mandate that will continue until June 2012. MONUSCO has recently made progress towards security sector reform through training Congolese National Police (PNC) forces and opening avenues for coordination with the FARDC in North Kivu and South Kivu. MONUSCO also collaborates with the UN

Development Program and the EU Mission in the DRC to build PNC capacity to investigate violent crimes.

On 10 February the Ukrainian Ministry of Defense announced that it sent 4 combat helicopters to MONUSCO, which had previously been operating with only one combat helicopter.

A UNSC sanctions regime is also in place, subjecting 26 individuals and 6 entities to the enforcement of travel bans and asset freezes.

The ICC has been involved in the DRC since April 2004. Mathieu Ngudjolo Chui and Germain Katanga are currently appearing before the ICC on charges of perpetrating crimes against humanity and war crimes in Ituri. The ICC delivered its first-ever verdict on 14 March 2012, convicting Thomas Lubanga Dyilo of committing war crimes.

Regional organizations, including the AU, South African Development Community and International Conference on the Great Lakes Region, maintain an active engagement with the DRC.

## NECESSARY ACTION

All government officials, political parties and candidates contesting results of the recent election must refrain from activities that might be seen as inciting further violence. The international community needs to refocus on the protection of civilians in North Kivu, South Kivu and Orientale Province now that the threat of post-electoral crisis within Kinshasa has decreased.

MONUSCO needs to work with the government of the DRC to help it uphold its Responsibility to Protect. More resources are needed for training and equipping the PNC as part of ongoing security sector reform. Additional support is needed for MONUSCO's prosecution support cells, which help build the capacity of the DRC's justice system to investigate mass atrocity crimes. The government of the DRC must prosecute individuals arrested for sexual violence while improving the credibility and transparency of the domestic judicial process.

While the current ICC trials represent a step forward, all perpetrators of mass atrocity crimes in the DRC need to be held accountable in courts of law and the culture of impunity ended.

## MORE INFORMATION

- » [MONUSCO Website](#)
- » [ICC Situation Page: DRC](#)
- » [UN Secretary-General's Report A/66/657\\*–S/2012/33\\*](#), 13 January 2012
- » [GCR2P Populations at Risk: DRC](#)

## SERIOUS CONCERN

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



## CENTRAL AFRICA The Lord's Resistance Army

*For more than twenty years the Lord's Resistance Army has perpetrated crimes against humanity throughout central Africa. LRA fighters continue to attack civilians in the Central African Republic, South Sudan and the Democratic Republic of the Congo.*

### BACKGROUND

Started by Joseph Kony in northern Uganda during 1987 as a religiously-inspired militia group, the LRA has perpetrated crimes against humanity across central Africa. Early LRA attacks occurred exclusively in Uganda where the group expanded its ranks by abducting children and forcing them to fight. In 1994 the LRA launched attacks in southern Sudan and by 2005 the group had infiltrated into northeastern DRC and then into the Central African Republic (CAR). No LRA attacks have been reported in Uganda since 2006, but the group remains an active threat to civilians in CAR, DRC and South Sudan.

Since 2008 the LRA has killed more than 2,300 people. In 2011 alone the LRA launched an estimated 278 attacks in CAR, DRC and South Sudan, killing 116 people and abducting 505 more. During the first three months of 2012, the LRA has conducted more than 50 raids on villages, resulting in the death and abduction of civilians. This represents a significant surge when compared to the number of LRA attacks during the final four months of 2011.

The LRA terrorizes communities through tactics which include the deliberate maiming of civilians, abducting children and forcing them to kill their families and using young girls as sex slaves. The LRA's campaign has left an estimated 466,000 people displaced across central Africa.

### ANALYSIS

The LRA has been attacking civilian populations without pause for more than two decades. The group now operates in small isolated cells across remote regions that lack a significant presence of police or other security personnel. Though their numbers are estimated at only 300-400 combatants, the LRA still poses a formidable threat. The governments of the region have deployed troops to LRA-affected areas, but their lack of early warning capabilities undermines attempts to provide adequate protection to civilians in such a vast region.

The large numbers of IDPs fleeing LRA attacks has a destabilizing effect upon an insecure region. Even where civilians remain in their villages, fear of LRA attacks often increases tensions between local communities and national governments. In the absence of adequate state protection, community defense groups have sprung up to protect villages vulnerable to attack, increasing militarization in the region.

The governments of LRA-affected countries are struggling to uphold their Responsibility to Protect and need further international assistance.

### INTERNATIONAL RESPONSE

The UN has a limited number of peacekeepers from MONUSCO (DRC) and UNMISS (South Sudan) stationed in LRA affected areas. MONUSCO has had some success enticing LRA fighters to leave the group through a Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) program.

The AU held a regional meeting on the LRA in June 2011. During the meeting, ministers proposed the creation of a Regional Intervention Force and a Joint Coordinating Mechanism to create a cross-border security response.

On 21 July 2011 the UNSC discussed the LRA for the first time in two years and revisited the issue on 14 November. The UNSC requested that the UN Office for Central Africa (UNOCA) facilitate coordination between the AU and UN. During January 2012 the head of UNOCA traveled to LRA-affected states on a joint mission with the AU's special envoy for the LRA. The outcome was an agreement by states to allow security forces to cross each other's borders unhindered if they are pursuing LRA combatants. On 29 February UNOCA and the AU discussed coordinated strategies for combating the LRA.



In October 2011 the US announced that it would deploy 100 troops to central Africa to train, assist and provide intelligence to countries aimed at apprehending Joseph Kony and eradicating the LRA. On 22 February 2012 the US announced that its troops had been deployed to CAR, DRC, South Sudan and Uganda.

In 2005 the ICC issued an arrest warrant for Joseph Kony and three other LRA leaders - Vincent Otti, Okot Odhiambo and Dominic Ongwen - for crimes against humanity and war crimes.

### NECESSARY ACTION

The LRA-affected states, together with the AU and the international community, need to implement coordination strategies discussed during the UNOCA-AU joint mission. International donors should support MONUSCO's DDDR program to reduce the number of LRA combatants. There is an urgent need to undertake similar DDDR efforts in CAR. Donors should help the LRA-affected states to build capacity for local early-warning mechanisms, such as providing villages with long-range radio and mobile phone capabilities.

### MORE INFORMATION

- » [ICC Situation Page: LRA](#)
- » [GCR2P Populations at Risk: Central Africa \(LRA\)](#)



## BURMA/MYANMAR

*Despite significant political reforms, ethnic minorities, especially in Kachin State, still face a risk of crimes against humanity and war crimes perpetrated by the armed forces of Burma/Myanmar.*

### BACKGROUND

During more than sixty years of civil war in Burma/Myanmar the country's many ethnic minorities have endured widespread and systematic extra-judicial killings, torture, forced labor, rape and forced displacement perpetrated largely by state forces.

Since mid-2011 the government of President Thein Sein has embarked upon a series of reforms that include the release of many political prisoners and the loosening of prohibitions on freedom of expression. The government has secured 12 ceasefire agreements with ethnic armed groups and political organizations.

These developments are significant. Between January 2011 and February 2012 the UN Special Rapporteur on the human rights situation in Myanmar made five visits to the country, noting the ongoing wave of reforms, "the speed and breadth of which has surprised many international observers and many in the country." Yet, he also expressed concerns over allegations of serious human rights violations perpetrated as part of the ongoing conflict with ethnic armed groups, particularly in Kachin State.

Violence between the Burma/Myanmar armed forces (Tatmadaw) and the Kachin Independence Army (KIA) – the military arm of the Kachin Independence Organization (KIO) – has raged since a ceasefire with the government broke down in June 2011. President Thein Sein ordered the Tatmadaw to cease all offensive attacks against the KIA on 10 December, but fighting continues. Since June, over 50,000 Kachins have fled Tatmadaw abuses, including killings and pillaging of villages. There are also reports that the KIA has perpetrated serious human rights violations.

During February there were reports of renewed fighting between the Tatmadaw and the Shan State Army-South, despite the previous announcement of a ceasefire. Preliminary peace talks between the government and the KIO were announced at the beginning of March.

As Burma/Myanmar undertakes much needed reforms, protecting populations from mass atrocity crimes must be at the forefront of the government's efforts.

### ANALYSIS

The government's commitment to political reform appears genuine, but it is still too early to say that the risk of further mass atrocities against ethnic minorities has disappeared. Fighting continues in Kachin State and despite the government's conciliatory approach, the military's commitment to a change of policy appears uneven. Hardliners and reformists within both the government and military appear divided over how to resolve long-standing conflicts with ethnic armed groups. Divisions within some of these groups further complicates an already delicate political situation in which civilians continue to face ongoing threats to their safety.

China has extensive economic interests in Burma/Myanmar and has the potential to exert greater positive influence upon the government and military.

Time is needed to see whether comprehensive reforms will end the systemic discrimination and violence against

the ethnic minorities who make up one-third of Burma/Myanmar's population.

The government of Burma/Myanmar needs to uphold its primary Responsibility to Protect.

### INTERNATIONAL RESPONSE

After decades of political isolation and economic sanctions, recent reforms have contributed to the start of a rapprochement between Burma/Myanmar and the international community. The US announced on 13 January 2012 that it would appoint an ambassador after a ten-year absence. However, a number of states have been clear that the lifting of economic sanctions will only occur when there is resolution of the ongoing conflict between the government and ethnic armed groups.

### NECESSARY ACTION

Clear benchmarks must be established outlining what the government must do before economic sanctions are completely lifted. This must include, as the UN Special Rapporteur called for, the development of a comprehensive plan to “officially engage ethnic minority groups in an inclusive dialogue to resolve long-standing grievances and deep-rooted concerns.”

The capacity of the government of Burma/Myanmar to uphold its Responsibility to Protect must be strengthened with the assistance of regional and international actors, especially the Association of Southeast Asian Nations (ASEAN). A central component of any plan must be strengthening the rule of law, including the independence of the judiciary, as a means of tackling the culture of impunity regarding previous mass atrocity crimes.

### MORE INFORMATION:

- » [UNGA Report A/66/365/2011](#), 16 September 2011
- » [Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar](#), 5 February 2012
- » [GCR2P Populations at Risk: Burma/Myanmar](#)



## LIBYA

*Following the February-September 2011 uprising and civil war, ongoing activity by armed militias poses a threat to populations in Libya. The perpetrators of crimes against humanity and war crimes committed during the conflict have not been held accountable for their actions.*

### BACKGROUND

During 2011 international intervention mandated under UNSC resolution 1973 halted mass atrocities committed by the former Libyan government. However, militia groups originally formed to resist government forces during the uprising and civil war still maintain control over considerable areas of the country.

In January and February 2012 armed militias clashed in Tripoli, Bani Walid and Gharyan, leaving at least 11 people dead. These groups also oversee many of the detention centers where the International Committee of the Red Cross visited at least 8,500 detainees. Many are arbitrarily detained on suspicion of being former Qaddafi loyalists.

Numerous cases of torture have been reported in these detention centers. On 19 January Omar Brebesh, Libya's former ambassador to France, was detained by the al-Shohada Ashura militia in Tripoli and taken into detention. He was allegedly tortured and later died in custody.

The HRC released the report of the International Commission of Inquiry on Libya on 2 March. The report found that during the 2011 uprising pro-Qaddafi forces committed crimes against humanity and war crimes including murder, enforced disappearances and torture. The report also concluded that anti-Qaddafi militias committed serious violations, including war crimes and breaches of international human rights law.

The report noted the ongoing plight of civilians from Tawergha, who continue to face attacks and possible illegal detention because of their perceived previous support for the Qaddafi regime. The report described the deliberate destruction of Tawergha and displacement of an estimated 35,000 residents during the civil war as a war crime. Militias

killed seven Tawerghans in a refugee camp in Janzur on 6 February 2012 and acts of persecution continue.

There is also a heightened risk to populations in the southern regions of Libya, where an estimated 100 civilians were killed near Kufra as a result of conflicts between the Tabu and Zwai tribes between 12 and 21 February. Some tribal leaders and militias in eastern Libya have also recently declared their “semi-autonomy” from the central government.

## ANALYSIS

Although the National Transitional Council (NTC) has transformed itself into the interim government of Libya and achieved international recognition, the rule of law remains weak throughout much of the country. In the absence of effective government, complex local conflicts have the potential to quickly deteriorate into violence.

The Libyan interim government has expressed support for international human rights obligations. However, treatment of detainees and a lack of control over the militias raises serious concerns. The Libyan interim government requires ongoing support and international assistance in its efforts to ensure security, end impunity and uphold its Responsibility to Protect.

## INTERNATIONAL RESPONSE

On 12 March 2012 the UNSC extended the mandate for the UN Mission in Libya (UNSMIL) until 16 March 2013, in order to support the Libyan interim government. The new mandate includes an important human rights monitoring role, and “underscores the Libyan authorities’ primary responsibility for the protection of the Libyan population.”

The Libyan Minister of Justice announced on 5 February that Saif al-Islam Qaddafi will be tried “within weeks or months” in Libya, but the dispute over ICC jurisdiction has not been resolved.

## NECESSARY ACTION

The Libyan interim government must intensify efforts to demobilize and disarm militias in order to ensure security throughout the country. All Libyans must be afforded adequate protection and due process under the law. All detention facilities must be moved under direct governmental control as a matter of the highest priority. International human rights law, including the prohibition of torture, must be adhered to.

The Libyan interim government and the ICC should coordinate efforts to pursue the prosecution of Saif al-Islam Qaddafi and Abdullah al-Senussi for crimes against humanity and war crimes. The Libyan interim government should investigate war crimes and crimes against humanity committed by all forces during the 2011 uprising and civil war.

## MORE INFORMATION

- » [UNSMIL page](#)
- » [ICC Situation Page: Libya](#)
- » [HRC Report A/HRC/19/68](#), 2 March 2012
- » [GCR2P Populations at Risk: Libya](#)



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