

R2P MONITOR

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the Global Centre for the
Responsibility to Protect

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

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

R2P Monitor applies the Responsibility to Protect lens to the following situations of concern:

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

SERIOUS CONCERN

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

R2P Monitor:

- » Provides *background* on populations at risk of mass atrocity crimes, with particular emphasis on key events and actors and their connection to the threat, or commission, of genocide, war crimes, ethnic cleansing and crimes against humanity.
- » Offers *analysis* of the country's past history in relation to mass atrocity crimes; the factors that have enabled their possible commission, or that prevent their resolution; and the receptivity of the situation to positive influences that would assist in preventing further crimes.
- » Tracks the *international response* to the situation with a particular emphasis upon the actions of the United Nations (UN), key regional actors and the International Criminal Court (ICC).
- » Suggests *necessary action* to prevent or halt the commission of mass atrocity crimes.

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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



SYRIA

Populations in Syria continue to face mass atrocity crimes committed by state security forces and affiliated militias. The increasingly sectarian nature of the civil war puts civilians at even greater risk.

BACKGROUND

As the conflict in Syria enters its eighteenth month, violence continues. With over 20,000 people killed already, fighting has now spread across all of Syria. On 15 July 2012 the International Committee of the Red Cross characterized the situation as a “non-international armed conflict” (civil war). On 10 September the UN High Commissioner for Human Rights, Navi Pillay, expressed that “human rights abuses are rampant, and have reached the point where mass killings, summary executions and torture are the norm.”

The UN Human Rights Council (HRC)-mandated Commission of Inquiry (CoI) issued a report on 15 August stating that government forces and allied “shabiha” militias committed crimes against humanity, war crimes and gross violations of human rights and international humanitarian law as a matter of state policy. The CoI also implicated armed opposition groups in the commission of war crimes, albeit on a smaller scale than that of the government. Civilians across Syria continue to bear the brunt of the conflict. According to the Office of the UN High Commissioner for Refugees (UNHCR), as of 14 September 1.5 million Syrians were internally displaced while 250,000 Syrian refugees have registered in neighboring countries.

The Syrian government continues to target presumed anti-government strongholds using artillery, tanks, helicopters and fighter jets. Allied “shabiha” militias and snipers have been deployed to attack communities, committing large-scale massacres in several towns. Following several days

of government bombardment, troops swept into the town of Daraya on 25 August, killing at least 320 people, according to the Syrian Observatory for Human Rights. Opposition groups have responded to ongoing state violence by increasing their attacks upon pro-government forces, sometimes using heavy weapons. August saw government forces and armed opposition groups engaged in fierce fighting in Syria’s largest city, Aleppo.

The government has experienced a growing number of defections to the Sunni-dominated opposition, including Syria’s Prime Minister, Riyad Farid Hijab, on 6 August. However, Alawites still form the core of the command structure of the regime’s security apparatus and, along with other minorities, have largely remained supportive. Armed opposition groups have not only been implicated in kidnappings, torture and extrajudicial killings of security forces, but in abuses committed against civilians due to their perceived support for the government.

Cross-border incidents in Turkey and Lebanon continue amid heightened regional and inter-communal conflict. Following several deadly Sunni-Alawite clashes, sectarian tensions rose during mid-August when Lebanese Shiite clansmen kidnapped at least 30 Syrians, some with ties to the opposition Free Syrian Army. Five consecutive days of sectarian fighting began in Lebanon on 20 August and claimed at least 16 lives. Friction between Syria and Turkey is also increasing as a result of rising refugee flows and growing Kurdish activity in northern Syria.

On 3 August the UN Secretary-General, Ban Ki-moon, described the conflict as a “proxy war, with regional and international players arming one side or the other.” Several members of the group of over 80 states identifying as the “Friends of the Syrian People” are providing financial support to the opposition, while Saudi Arabia and Qatar are providing arms to the rebels. In contrast, Russia, China, Venezuela and Iran have maintained relations with Syria’s government and have criticized international efforts to undermine President Bashar al-Assad. Russia last supplied Syria with arms in May 2012, while Venezuela has said it will continue to ship fuel to help circumvent the effects of sanctions. According to the UN, Iran has provided funds and weapons to the government in clear violation of UN Security Council (UNSC) Resolution 1747, banning Iranian arms exports.

Amid intensifying violence, the mandate of the UN Supervision Mission in Syria (UNSMIS) was not renewed by the UNSC and came to an end on 19 August. On 2 August Kofi Annan announced his resignation as the UN-League

of Arab States (Arab League) Joint Special Envoy to Syria. Upon leaving his post, Annan noted that the increasing militarization of the conflict and the UNSC's lack of unity rendered his mission ineffective. "The bloodshed continues," he said, "most of all because of the Syrian government's intransigence and continuing refusal to implement [my] six-point plan, and also because of the escalating military campaign of the opposition." His replacement, Lakhdar Brahimi, assumed the role on 1 September.

ANALYSIS

In a climate of "unrestrained hostilities," as described by the Col, the conflict threatens growing numbers of civilians and may cause further regional destabilization.

The Syrian government no longer claims to be implementing reforms and is openly engaged in a military fight for survival. While a growing number of high-level defections may indicate that the internal cohesiveness of the regime is weakening, President Assad continues to utilize security forces, "shabiha" and Syria's dwindling financial resources to retain power at all costs. The degree to which the government directs the "shabiha" is uncertain, but their attacks pose a grave threat to all civilians.

Now receiving greater external support, the fragmented armed opposition has become increasingly capable of militarily engaging with government forces, contesting control of several major cities. According to the Col, fighting between government and opposition forces has evolved into "continuous combat, involving more brutal tactics and new military capabilities on both sides."

Sectarian divisions are exacerbating the violence, yet the safety and security of Alawites, Kurds, Christians and other minorities is critical to the resolution of the conflict. Regional tensions are being aggravated by increasing refugee flows and the threat of intensified cross-border conflict in both Lebanon and Turkey.

External political influence upon the Syrian government via the UN and regional actors remains weak. Sanctions have had limited success as Syria's few remaining allies have continued to provide crucial economic insulation.

The UNSC, handicapped by the resistance of Russia and China to any coercive measures, remains divided over Syria, which has emboldened President Assad in his assault on the opposition and civilian population. The international stalemate has allowed the situation to deteriorate to the point where few options for a peaceful solution exist.

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. [For earlier responses, see GCR2P's [Timeline of International Response to the Situation in Syria](#).]

Following two successive vetoes by Russia and China (4 October 2011 and 4 February 2012), the UNSC passed a 14 April resolution establishing a preliminary team of ceasefire monitors. One week later the UNSC established UNSMIS. On 19 July Russia and China again vetoed a resolution threatening Syrian authorities with sanctions for non-compliance with Special Envoy Annan's six-point plan. The next day the UNSC agreed to a resolution that extended UNSMIS' mandate for a final 30 days.

While the UNSC has condemned the violence against civilians and sent UN observers, it has been unable to agree upon further action aimed at halting the conflict. In the absence of unified, international coercive measures, several Western and Arab countries have severed diplomatic ties with the Syrian government and imposed bilateral sanctions.

Following Russia and China's second UNSC veto, the "Friends of the Syrian People" was formed to seek an alternate solution to the crisis. The "Friends" have met four times to consider options for collective international action and are now assisting the opposition with political, financial and material support.

The UN HRC has adopted six resolutions, including one mandating the independent Col to investigate reports of human rights abuses. The most recent resolution was passed on 6 July. On 1 June the UN HRC urged Syria to uphold its Responsibility to Protect.

The UN Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect issued a statement on 14 June underscoring the Syrian government's manifest failure to protect its population. The Special Advisers urged the UNSC to consider the request of High Commissioner Pillay to refer the situation to the ICC.

On 3 August the UN General Assembly (UNGA) adopted an Arab League-backed resolution condemning the violence, deploring the humanitarian crisis and calling for an inclusive Syrian-led political transition. The UN Secretary-General appointed Lakhdar Brahimi as the new Joint Special Envoy on 17 August.

NECESSARY ACTION

The Syrian government must immediately cease attacks on civilians. The government and armed opposition groups must adhere to international humanitarian law.

Russia and China should end their opposition to attempts by the UNSC to hold accountable those responsible for crimes against humanity in Syria.

The UNSC must impose an arms embargo and authorize targeted sanctions against those within, or associated with, the Syrian government who are responsible for mass atrocity crimes. It should also immediately refer the situation to the ICC for investigation. The UNSC should ensure the continuation of human rights monitoring in Syria and support the work of the Col, including the collection of evidence for future prosecution of those responsible for mass atrocity crimes.

The international community and all members of the opposition must ensure the safety of Syrian minorities, and should enhance inclusive messaging to those communities.

MORE INFORMATION:

- » [UNSC Resolution S/RES/2059](#), 20 July 2012
- » [UNGA Resolution A/RES/66/253](#), 3 August 2012
- » [HRC Oral Update of the Commission of Inquiry A/HRC/21/50](#), 15 August 2012
- » [GCR2P Populations at Risk: Syria](#)



SUDAN

Crimes against humanity and war crimes continue to be perpetrated by the Sudanese Armed Forces in the Republic of Sudan states of South Kordofan and Blue Nile.

BACKGROUND

Populations in Sudan continue to be trapped by conflicts in South Kordofan and Blue Nile. Indiscriminate airstrikes by Sudanese Armed Forces (SAF) have internally displaced an estimated 520,000 civilians in South Kordofan and 145,000 in Blue Nile since the conflict began in June 2011. More than 207,900 people have fled into neighboring South Sudan and Ethiopia. Despite continued heavy fighting in Blue Nile, African Union (AU) and UNSC mediation efforts continue to

focus primarily on preventing inter-state violence between Sudan and the Republic of South Sudan.

For the past fifteen months in South Kordofan and twelve months in Blue Nile, the SAF has employed systematic violence and collective punishment against civilians while engaging in a counterinsurgency campaign against the Sudan People's Liberation Movement-North (SPLM-N), a rebel group traditionally aligned with the south.

The conflict started in South Kordofan following disputed results of a May 2011 gubernatorial election. Allegations of election rigging led to an outbreak of fighting on 6 June. Violence then spilled into neighboring Blue Nile on 1 September when the SAF and their allied paramilitaries, the Popular Defence Forces, launched an assault on SPLM-N positions in the city of Al Damazin.

Since that time the SAF has conducted armed raids and aerial bombardments, committed extra-judicial killings, looted and arbitrarily arrested civilians. The SPLM-N has also perpetrated war crimes, including the forced recruitment of civilians living in refugee camps in Upper Nile state, South Sudan. Early September saw an escalation in violence with major clashes reported between the SAF and SPLM-N near Kadugli, the capital of South Kordofan, on 9 September. The Justice and Equality Movement, a Darfuri rebel group, admitted involvement in the fighting.

On 9 February the UN, Arab League and AU put forward a "tripartite proposal" to permit humanitarian access to SPLM-N controlled areas in the two states. Negotiations over a temporary ceasefire to allow delivery of humanitarian aid commenced between the SPLM-N and the government of Sudan, and separate agreements with each party were reached in principle on 4 and 5 August respectively. The SPLM-N, claiming that the government has not honored the agreement, has subsequently called upon the international community to facilitate the delivery of cross-border aid through South Sudan and Ethiopia.

The conflicts in South Kordofan and Blue Nile are linked to border tensions with South Sudan. Sudan alleges that South Sudan militarily and politically supports the SPLM-N and allows them to use its territory to attack Sudan. The lack of a safe demilitarized border zone (SDBZ) between the countries has made the porous borders penetrable to proxy forces of both countries. Since November 2011 the UNSC has called upon both sides to contribute monitors to the Joint Border Verification Monitoring Mechanism, and to work alongside a UN peacekeeping force in Abyei (UNISFA) in patrolling the border area.

Tensions between Sudan and South Sudan escalated in early 2012 following a dispute over oil transit fees. On 10 April the Sudanese People's Liberation Army (SPLA) and an alliance

of rebel groups calling themselves the Sudan Revolutionary Front (SRF) occupied the Heglig oilfields in South Kordofan, drawing condemnation from the UNSC. The AU released a comprehensive “Roadmap” on 24 April, which outlined actions to be taken by both sides to mitigate large-scale military confrontation. The Roadmap was endorsed by the UNSC in Resolution 2046 on 2 May.

Sudan and South Sudan withdrew troops from Abyei on 29 May and reached an agreement on oil transit fees on 3 August. Negotiations resumed on 4 September to resolve other outstanding issues.

The security situation in Darfur has deteriorated recently with violent clashes between the SAF, the SRF and other armed groups reported across the region. The assassination of the Commissioner of Alwaha on 1 August led to violence between government forces and local militias near an internally displaced persons (IDP) camp resulting in the evacuation of over 25,000 people. On 12 August a UN peacekeeper was killed while protecting civilians.

ANALYSIS

The government of Sudan has a history of perpetrating mass atrocity crimes in Darfur and during its civil war with the south. Similar crimes are currently being committed by the SAF in South Kordofan and Blue Nile, where patterns of violence specifically targeting civilians have been witnessed over the past year. Sudanese officials have a history of reneging on agreements and systematically preventing aid from reaching populations at risk of starvation.

The government of Sudan has consistently defied external pressure to halt mass atrocity crimes. Ahmad Haroun, indicted by the ICC for 20 counts of crimes against humanity and 22 counts of war crimes committed in Darfur, is presently the governor of South Kordofan.

Elements of the SRF, including the SPLM-N, have previously perpetrated war crimes. The group’s stated goal of a military solution in Darfur threatens to prolong the conflict, increasing the risk of mass atrocity crimes recurring.

Failure to resolve outstanding issues from the 2005 Comprehensive Peace Agreement (CPA) enhances the possibility of renewed conflict between Sudan and South Sudan and threatens the long-term security of civilians who live on both sides of the disputed border. The government of South Sudan’s focus on cross-border conflict in the north of the country has drawn attention away from internal problems, in particular inter-communal violence in Jonglei state between ethnic Murle and Lou Nuer people that left over 1000 civilians dead during 2011 and early 2012.

China and members of the Arab League, who have major investments in Sudan and South Sudan, can potentially influence both governments’ behavior. China, a permanent member of the UNSC, has strong ties to the Sudanese government. Kuwait and Qatar have donated substantial amounts of aid to Sudan in recent months. So far neither party has used its position to push for an end to mass atrocity crimes in South Kordofan or Blue Nile.

Crimes against humanity continue to be committed with impunity in South Kordofan and Blue Nile, demonstrating Sudan’s failure to uphold its primary Responsibility to Protect.

INTERNATIONAL RESPONSE

Sudan has been the subject of various UNSC resolutions (five so far in 2012). President Omar al-Bashir was indicted by the ICC for war crimes, crimes against humanity and genocide for crimes in Darfur. UN peacekeeping missions currently exist in Darfur (UNAMID, a joint mission with the AU) and in Abyei (UNISFA). UNAMID’s mandate was renewed for an additional year via Resolution 2063 on 31 July. [For responses prior to July 2012, see GCR2P’s [Timeline of International Response to the Situation in South Kordofan and Blue Nile States](#).]

Former President of South Africa Thabo Mbeki, acting under the auspices of the AU High-level Implementation Panel on Sudan (AUHIP), has facilitated negotiations on cross-border issues in Addis Ababa. He is continuing efforts to resolve outstanding issues by the 22 September deadline, when the AUHIP must submit its final report to the AU Peace and Security Council.

Following the violence in Darfur in early August, Ibrahim Gambari, the then AU-UN Joint Special Representative for Darfur, issued a statement calling upon the government of Sudan to restore law and order thereby “fulfilling its responsibility to protect civilians.” The UNSC released a Press Statement on 15 August condemning the killing of a UNAMID peacekeeper.

The UNSC adopted a Presidential Statement on 31 August demanding the urgent implementation of Resolution 2046 and that the government of Sudan and the SPLM-N “fully and faithfully implement” their Memorandums of Understanding to ensure the immediate delivery of humanitarian aid in South Kordofan and Blue Nile.

NECESSARY ACTION

The government of Sudan and the SPLM-N must implement a ceasefire and create conditions whereby it is possible for desperately needed humanitarian aid to be delivered to South Kordofan and Blue Nile.

In order to alleviate the suffering of populations in South Kordofan, Blue Nile and Darfur the international community should emphasize the need for a political solution between the government of Sudan and Sudanese rebel groups. Those states with potential influence upon Sudan must convince the government of the need for domestic political dialogue.

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.

Sudan and South Sudan must resolve outstanding issues from the CPA. The UNSC should consider additional measures to ensure all parties cease violent confrontations.

The AU and the UNSC should continue to assist Sudan and South Sudan in establishing a SDBZ area and achieving a long-term comprehensive resolution to their border conflict. Central to this is the government of Sudan's acceptance of the AUHIP proposed map.

MORE INFORMATION

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Resolution S/RES/2063](#), 31 July 2012
- » [UNSC Press Statement SC/10744](#), 15 August 2012
- » [GCR2P Populations at Risk: Sudan](#)



DEMOCRATIC REPUBLIC OF THE CONGO

Crimes against humanity are being perpetrated by armed groups operating in the eastern and north-eastern regions of the Democratic Republic of the Congo.

BACKGROUND

Populations in the eastern and north-eastern regions of the Democratic Republic of the Congo (DRC) remain at grave

risk of mass atrocity crimes. Armed groups have used the insecurity caused by fighting between the Congolese military and a group of army defectors to carry out attacks upon the civilian population in North Kivu and South Kivu. More than 470,000 civilians have fled their homes since April, contributing to the more than 2.2 million IDPs and hundreds of thousands of refugees in neighboring countries.

Armed groups that have been operating within the DRC for more than a decade – namely the Democratic Forces for the Liberation of Rwanda (FDLR), the Lord's Resistance Army (LRA) and Mayi-Mayi militias – have recently been carrying out attacks upon populations in the eastern DRC with increasing frequency and destruction. The UN has reported that the FDLR, Mayi-Mayi and a group known as the Raia Mutomboki have been guilty of raping and killing civilians as well as mutilating corpses.

On 29 August the UN High Commissioner for Human Rights, Navi Pillay, and the Secretary-General's Special Representative to the DRC, Roger Meece, issued a joint press release noting that these groups have committed more than 45 attacks on 30 villages since May and have massacred people in North Kivu. According to the statement, while "allegations of hundreds of killings are still being verified," "the sheer viciousness of these murders is beyond comprehension" and may amount to crimes against humanity.

Raia Mutomboki claims to be protecting the local population by attacking FDLR combatants and their families. The FDLR is mainly composed of Rwandan Hutus, many of whom are associated with the 1994 genocide. Witnesses to the violence have reported to UN investigators that Raia Mutomboki assaults have taken on an increasingly inter-communal dimension, with Kinyarwanda speakers and ethnic Hutus being at particular risk of attack. These attacks have resulted in a cycle of retaliation by Raia Mutomboki and the FDLR upon populations perceived to be affiliated with the other group.

These armed groups have increased their operations in a security vacuum created by the abandonment of army posts by a group of defectors and the redeployment of troops from the Armed Forces of the DRC (FARDC) to address their mutiny. The defection of hundreds of ex-members of the National Congress for the Defense of the People (CNDP), a group mainly comprised of ethnic Tutsi rebels that had been integrated into the FARDC, resulted in the formation of the March 23 (M23) rebel movement. M23 asserts that the government has failed to fulfill the 23 March 2009 agreement that led to their integration into the military in the eastern DRC.

Initial fighting between M23 and the FARDC for territory in North Kivu quickly spread from Masisi to Rutshuru territory

near the Ugandan and Rwandan borders. During the final week of July it was reported that M23 had taken control of villages within 40km of Goma, but no direct clashes have been reported since that time.

The UN has reported human rights violations committed by both sides of the conflict, including sexual violence and looting. M23 has also reportedly recruited children into armed conflict. High Commissioner Pillay noted on 19 June that the M23 leadership “figure among the worst perpetrators of human rights violations in the DRC.” Human Rights Watch has reported that M23 rebels have committed widespread war crimes, including the summary execution of child soldiers attempting to escape.

On 27 June the UN Group of Experts on the DRC submitted an addendum to their interim report containing evidence that members of the Rwandan government had provided weapons and recruited soldiers for M23 and other armed groups operating in the DRC. The Rwandan government continues to vehemently deny these allegations.

ANALYSIS

The weakness of government structures undermines attempts to prevent atrocities and protect civilians in the DRC. More than ten years of security sector reform (SSR) has been slow to produce results. The ex-CNDP defections from the FARDC highlight the consequences of an incomplete military reform process. Special Representative Meece warned the UNSC that the mutiny “now threatens a general destabilization of the Kivus and region, and dramatically increases the general threat to millions of civilians.”

The abandonment of military posts in North Kivu because of defections has left nearby populations particularly vulnerable to attack. In the absence of adequate security personnel the FDLR, Mayi-Mayi and other armed groups operate with impunity. Populations in North Kivu and South Kivu are at a growing risk of violence based upon perceived ethnicity.

Prior to integrating into the FARDC, the CNDP was responsible for gross human rights violations in North Kivu and M23’s leadership has an established record of perpetrating mass atrocity crimes while serving as FARDC commanders. Reports indicate that M23 members continue to perpetrate mass atrocity crimes.

In her 31 May statement, High Commissioner Pillay noted that “there has been little effective State response” to the violence being committed against civilians. The government of the DRC has struggled to uphold its Responsibility to Protect and in some cases has actually been complicit in crimes against humanity and war crimes.

INTERNATIONAL RESPONSE

There has been a UN force in the DRC since 1999. The current stabilization mission in the DRC (MONUSCO) is responsible for more than 19,000 UN personnel operating under a civilian protection mandate. Prior to the recent violence, MONUSCO had facilitated a significant reduction in membership of various armed groups through its Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) program.

High Commissioner Pillay delivered statements on 31 May and 19 June asserting that every effort must be made to hold M23 “accountable for human rights violations committed against civilians – both for crimes committed within the context of the current mutiny and also for offenses committed previously.” The Office of the UNHCR and the acting Special Representative of the Secretary-General on Sexual Violence in Conflict, Vijay Nambiar, also issued statements during July urging the protection of civilians. The UN Under-Secretary-General for Humanitarian Affairs, Valerie Amos, visited North Kivu between 6 and 9 August to highlight the deteriorating situation.

The UNSC issued Press Statements on the situation in the eastern DRC on 3 May, 15 June, 6 July, 16 July and 2 August. A UNSC sanctions regime is also in place, subjecting 26 individuals, including several M23 leaders, and 6 entities to the enforcement of travel bans and asset freezes. Several major donor countries have withdrawn aid from Rwanda in response to allegations of their involvement with M23.

The International Conference on the Great Lakes Region (ICGLR) held an Extraordinary Summit on 15 July, attended by DRC’s President Joseph Kabila and Rwanda’s President Paul Kagame, in which its member states signed a declaration on the security situation in the eastern DRC. The declaration directed the ICGLR to work with the AU and UN to establish a “neutral International Force to eradicate M23, FDLR and all other Negative Forces in Eastern DRC and patrol and secure the Border Zones.” The ICGLR convened additional meetings on 8 August and 8 September, and plans to hold a “UN Mini-Summit on Eastern DRC” on 27 September to request support from the UN for the neutral force.

The South African Development Community (SADC) also discussed the conflict in the eastern DRC during its Summit of the Heads of State and Government in Mozambique on 17-18 August. President Armando Guebuza of Mozambique, acting SADC Chairperson, visited Rwanda on 28 August to demand an end to military support for armed groups in the DRC.

NECESSARY ACTION

The government of the DRC and MONUSCO need to ensure that the protection of populations remains a priority

as they address the military threat posed by M23. The government of the DRC urgently needs to redeploy forces to combat the FDLR and suppress ethnically motivated attacks by Raia Motumboki. International humanitarian law must be adhered to by the FARDC at all times.

International donors need to coordinate their programs for SSR to ensure that the government of the DRC immediately implements critical reforms and increases its capacity to protect civilians. Support should immediately be given to MONUSCO for implementing SSR protocols associated with their new mandate.

In addition to military reform, the government of the DRC must improve the credibility and transparency of the domestic judicial process. All perpetrators of mass atrocity crimes in the DRC need to be held accountable and judicial authorities need to promptly investigate crimes committed by armed groups. The UNSC should take additional action, including through implementing sanctions on individuals who have committed crimes documented in the Group of Experts report, to halt the violence in the eastern DRC.

Neighboring countries must not provide armed groups operating in the DRC with shelter or support. The governments of the DRC and Rwanda need to continue to use diplomatic channels to address allegations of Rwanda's assistance to armed groups within the DRC.

The AU, ICGLR and SADC should continue to lead regional and international efforts to halt the operation of armed groups in the eastern DRC and ensure that states in the region work together to devise an achievable peace plan.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [ICC Situation Page: DRC](#)
- » [UN Addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo \(S/2012/348\), 27 June 2012](#)
- » [GCR2P Populations at Risk: DRC](#)

SERIOUS CONCERN

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



CÔTE D'IVOIRE

Populations in western Côte d'Ivoire are at serious risk of mass atrocity crimes due to renewed ethnic violence and impunity for crimes perpetrated by armed groups.

BACKGROUND

During November 2010–April 2011, following the country's presidential election, security forces and militias loyal to former President Laurent Gbagbo attacked civilians perceived to be supporters of current President Alassane Ouattara on the basis of their ethnic affiliation. An estimated 3,000 people were killed in the post-electoral violence while Gbagbo refused to relinquish the Presidency.

While most atrocities were committed by pro-Gbagbo government forces, Ouattara supporters also committed massacres of perceived ethnic and political enemies. Côte d'Ivoire's Commission of Inquiry documented mass atrocity crimes committed by more than 545 Ouattara supporters and 1,009 Gbagbo supporters during the crisis.

Recent attacks on villages along the border between Liberia and Côte d'Ivoire, resulting in the death of more than 22 people, including 7 UN peacekeepers, have provoked a new wave of violence in western Côte d'Ivoire. The attacks were allegedly committed by armed elements that fled to Liberia

following Gbagbo's removal and were directed against ethnic groups that predominately supported Ouattara.

On 20 July between 500 and 1,000 men attacked an IDP camp in Duékoué, which was sheltering mainly ethnic Guéré people, who are traditionally supporters of Gbagbo's political party. The attacks were reportedly carried out by individuals of Malinke ethnicity and Dozos, members of a traditional hunting group, who are considered Ouattara supporters. During the attack 6 people were killed and 5,000 people were forced to flee when a large part of the camp was destroyed. Duékoué was previously the site of a significant massacre in which more than 500 people were killed during March 2011. On 27 July the UN Secretary-General's Special Representative to Côte d'Ivoire, Bert Koenders, stated that "the events in Duékoué ... underscore the need for a concrete reconciliation process, as well as the restoration of the rule of law and state authority across the country."

Additional attacks targeting security forces occurred in late July and August across Côte d'Ivoire, including in Abidjan. On 15 August gunmen attacked an army camp and prison in Dabou, resulting in 5 deaths and the escape of more than 100 prisoners. Armed men also attacked the headquarters of Gbagbo's political party on 18 August and an army base on 25 August.

While Gbagbo was handed over to the ICC on 30 November 2011, most individuals who perpetrated mass atrocity crimes have not yet been held accountable. The UN peacekeeping mission in Côte d'Ivoire (UNOCI) estimates that more than 60,000 former combatants still need to be disarmed.

ANALYSIS

Côte d'Ivoire has a history of civil war in which atrocities were committed by all sides. The underlying ethnic and political tensions that exacerbated the outbreak of electoral violence in 2010-2011 remain, posing a risk to populations throughout Côte d'Ivoire. Although President Ouattara has taken steps to start a reconciliation process, the Commission on Dialogue, Truth and Reconciliation lacks resources to complete its mandate and impunity threatens the long-term stability of the country.

The recent cross-border and refugee camp attacks highlight the gravity of ethnic tensions in the western regions of Côte d'Ivoire where crimes have been perpetrated for more than a decade. Disputes over land rights and political affiliation are intrinsically linked to ethnic affiliation and renewed violence could potentially ignite a wider conflict in which mass atrocity crimes might recur.

The government of Côte d'Ivoire still requires international assistance to rebuild, end impunity for past crimes and uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

The UNSC has passed nine resolutions on Côte d'Ivoire since the crisis began in late 2010, with the key resolution being 1975 at the peak of the crisis in March 2011 when the Responsibility to Protect was invoked. UNOCI was originally authorized under Resolution 1528 (2004) with a protection of civilians mandate. Resolution 2045, which was passed on 26 April 2012 to extend the mandate of the Group of Experts on Côte d'Ivoire, expressed the UNSC's concern that UNOCI and the mission in Liberia (UNMIL) assist both governments in halting cross-border raids.

The UN Secretary-General, the UNSC and other UN officials issued statements strongly condemning the cross-border attacks on peacekeepers and civilians. The Offices of the UNHCR and the High Commissioner for Human Rights (OHCHR) both issued statements deploring the attack on the IDP camp in Duékoué and emphasized the need to complete a reconciliation process.

Gbagbo was indicted by the ICC for four charges relating to crimes against humanity committed between 16 December 2010 and 12 April 2011.

NECESSARY ACTION

In order to prevent the future commission of mass atrocity crimes it is essential for the government to break the culture of impunity and bring perpetrators of crimes against humanity to justice, regardless of their previous position or current allegiances. The ICC should continue to investigate crimes perpetrated in Côte d'Ivoire and call upon all concerned parties to assist with this process.

With the assistance of UNOCI, the government of Côte d'Ivoire needs to create a Disarmament, Demobilization and Reintegration Commission with a special focus on the western and border regions of the country. The government of Côte d'Ivoire needs continued support for the implementation of its reconciliation process.

MORE INFORMATION:

- » [UNOCI Website](#)
- » [ICC Situation Page: Côte d'Ivoire](#)
- » [UNSC Resolution S/RES/2045](#), 26 April 2012
- » [GCR2P Populations at Risk: Côte d'Ivoire](#)



SOMALIA

There is a serious risk of war crimes and crimes against humanity being perpetrated by militias and various other armed forces operating in Somalia.

BACKGROUND

After more than 20 years of conflict, recurring famine and the collapse of the Somali state, the recent conclusion of the Transitional Federal Government (TFG) and establishment of a new government offers an opportunity for Somalis to rebuild their country. However, ongoing armed conflict between the extremist Islamist armed group Al-Shabaab, which is affiliated with al-Qaeda, and a range of domestic and international forces continues to pose a serious threat to civilians.

The conflict in Somalia has been characterized by the reckless disregard of all sides for the safety and security of the civilian population. Those currently fighting Al-Shabaab include the AU Mission in Somalia (AMISOM), several allied militias and the armies of Ethiopia and Kenya.

On 27 May the AU announced the completion of Operation Free Shabelle, which took towns within the Afgooye corridor from Al-Shabaab. The corridor links Mogadishu with Afgooye and provides refuge for an estimated 400,000 IDPs, whom Al-Shabaab had prevented humanitarian aid from reaching prior to the operation. Since May AMISOM and TFG forces have also seized control of Afmadow, Lanta-Buro, and other Al-Shabaab bases. AMISOM forces are currently fighting in coastal villages of southern Somalia as part of an offensive against Al-Shabaab in Kismayo.

The battles of the past year have seriously weakened Al-Shabaab, but have also displaced thousands of civilians. More than 300,000 Somali refugees fled the country in 2011 alone, and the UNHCR estimates that more than 18,000 people were displaced by fighting in Afgooye. According to the UN there are now more than 1 million IDPs in Somalia.

In September 2011 officials and elders in Somalia prepared for the conclusion of the TFG mandate by signing a "Roadmap for the End of Transition in Somalia" delineating measures for creating a new government by 20 August 2012. Although many steps in the roadmap were met, the transition process faced delays and a new President, Hassan Sheikh Mohamud, was not elected until 10 September.

ANALYSIS

It is crucial that the international community views the situation in Somalia through the lens of the Responsibility to Protect and not just as an exercise in state building, an opportunity to fight piracy or another battleground of the "war on terror." While Al-Shabaab has been driven from Mogadishu and other major towns, armed violence continues to put civilians at serious risk of mass atrocity crimes. Failure to fully complete the transition to a new government increases the likelihood of ongoing insecurity and recurring violence.

Parties on all sides of the conflict have previously been responsible for mass atrocity crimes and have indiscriminately used mortar, rocket and artillery fire in civilian areas. In areas controlled by Al-Shabaab the denial of aid to people facing famine may also constitute crimes against humanity. Following initial shelling of Kismayo by Kenyan forces in August, UN officials voiced serious concerns over potential civilian casualties.

All parties to the conflict in Somalia, including those who have intervened to end the threat posed by Al-Shabaab, have a Responsibility to Protect civilians from war crimes and crimes against humanity.

INTERNATIONAL RESPONSE

AMISOM, which was established by the AU during 2007 in order to provide security for the TFG, operates with UN support. On 22 February 2012 the UNSC adopted Resolution 2036, increasing the ceiling for AMISOM to 17,731 troops. Uganda deployed helicopters and other air force units to Somalia on 6 August to provide support for AMISOM operations in Kismayo.

On 25 July the UNSC adopted Resolution 2060, which extends the mandate of the Somalia Sanctions Monitoring Group while relaxing restrictions that could negatively affect the delivery of humanitarian aid. On 10 and 29 August the UNSC issued Press Statements welcoming progress towards Somalia's transition.

NECESSARY ACTION

AMISOM, Kenya, Ethiopia and their respective allied militias must ensure that their military campaign against Al-

Shabaab is carried out in accordance with international humanitarian law. Support is needed to implement more comprehensive rules of engagement and improve civilian harm mitigation efforts, particularly in Kismayo. Allegations of mass atrocity crimes must be investigated and perpetrators held accountable.

Somalia's new government needs ongoing international assistance to complete the implementation of the transitional roadmap, and to start building a stronger security sector for the ongoing protection of civilians.

MORE INFORMATION:

- » [UNSC Resolution S/RES/2036](#), 22 February 2012
- » [UNSC Press Statement S/C/10740](#), 10 August 2012
- » [UNSC Press Statement S/C/10749](#), 29 August 2012
- » [GCR2P Populations at Risk: Somalia](#)



BURMA/MYANMAR

Despite significant political reforms in Burma/Myanmar, many ethnic minorities continue to face crimes against humanity and war crimes perpetrated by the armed forces.

BACKGROUND

In June 2012 sectarian clashes between Buddhists and ethnic Rohingya Muslims broke out in Rakhine state, claiming at least 78 lives and displacing an estimated 80,000 people. While President Thein Sein declared a state of emergency on 10 June, imposing martial law across the region, security forces continued to commit human rights violations. On 27 July the UN High Commissioner for Human Rights, Navi Pillay, said that “the initial swift response of the authorities to the communal violence may have turned into a crackdown targeting Muslims, in particular members of the Rohingya community.”

The Rohingya, a stateless group of approximately 800,000 individuals, have been described by the UN as one of the world's most persecuted minorities. They continue to be denied citizenship by the government of Burma/Myanmar and face discriminatory state policies. While the government said in a 6 August statement that it “exercised maximum restraint in order to restore law and order,” President Thein Sein told the UNHCR in July that Burma/Myanmar will not take responsibility for the Rohingya because they are not citizens and “not our ethnicity.”

The UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, visited the country from 30 July through 4 August. He said that despite recent positive developments, Burma/Myanmar “continues to grapple with serious human rights challenges,” particularly in Rakhine and Kachin states.

Despite ongoing democratic and economic reforms being implemented by President Thein Sein's civilian government, ethnic minorities continue to be the target of crimes against humanity and war crimes perpetrated by the armed forces (Tatmadaw). The former military government engaged in multiple armed conflicts with a number of Burma/Myanmar's ethnic armed groups throughout much of the past sixty years. When the new civilian government came to power in mid-2011 it was able to negotiate ceasefires with several ethnic armed groups but, in many cases, fighting continues despite these agreements.

On 25 May Amnesty International reported that the Tatmadaw had directly attacked ethnic minority civilians during conflicts in Kayin, Shan, Kachin, Kayah and Mon states over the past year. The country's constitution still exempts Burma/Myanmar's forces from prosecution for any act carried out “in the execution of their respective duties” and grants the Tatmadaw autonomy to manage its own affairs.

ANALYSIS

President Thein Sein's government appears dedicated to political reform, but the military's commitment to a change of policy remains questionable. Reforms have not yet translated into demonstrable improvements in ending the systematic discrimination and violence perpetrated against many of Burma/Myanmar's ethnic minorities. Ongoing discrimination puts the Rohingya at particular risk of further violence. With a pervasive culture of impunity, the military has not been held accountable for previous mass atrocity crimes.

The civilian government of Burma/Myanmar is struggling to uphold its primary Responsibility to Protect and in some cases the Tatmadaw have been complicit in mass atrocity crimes.

INTERNATIONAL RESPONSE

Following decades of political isolation, recent reforms have contributed to rapprochement between Burma/Myanmar and the international community, including the lifting of sanctions by the European Union (EU) and a number of other countries.

Following ethnic violence in Rakhine State, the UN Secretary-General's Special Adviser for Myanmar, Vijay Nambiar, and High Commissioner Pillay called for an impartial investigation into the events. During his visit, Special Rapporteur Quintana also called upon the government and armed groups in Kachin State to "ensure the protection of civilians during armed conflict."

NECESSARY ACTION

The Tatmadaw must immediately cease attacks on civilians. The government must uphold its Responsibility to Protect all populations, regardless of ethnicity.

The international community must press the government of Burma/Myanmar for the development of a comprehensive plan to engage ethnic minorities in an inclusive reconciliation process. Remaining sanctions should only be lifted following demonstrable and sustainable change, including the cessation of armed violence. The government of Burma/Myanmar must address the issue of citizenship for the Rohingya. Neighboring countries should open their borders and offer protection to Rohingya asylum seekers.

A central component of the reform process must include developing an independent judiciary as a means of safeguarding human rights and tackling the culture of impunity regarding previous mass atrocity crimes.

MORE INFORMATION

- » [Myanmar Annual Report](#), Amnesty International, 25 May 2012
- » [Statement on situation in the Rakhine state by UN High Commissioner for Human Rights](#), 27 July 2012
- » [Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar](#), 4 August 2012
- » [GCR2P Populations at Risk: Burma/Myanmar](#)



NIGERIA

Attacks by the extremist Islamist group Boko Haram and rising inter-communal violence is creating a deadly dynamic that puts populations at heightened risk of crimes against humanity in northern Nigeria.

BACKGROUND

In the first half of 2012 Boko Haram, an extremist Islamist group committed to overthrowing Nigeria's secular government, killed over 450 Nigerians in bombings and gun attacks. Boko Haram's attacks are contributing to rising inter-communal tensions and a risk of widespread violence.

According to the OHCHR, since 1999 more than 13,500 Nigerians have been killed in inter-communal violence, primarily in the north and in the "middle-belt" region that straddles the predominantly Muslim north and Christian south. Attacks escalate rapidly and often lead to reprisal killings in other parts of Nigeria.

As part of Boko Haram's expanded terrorist campaign, Christians have increasingly been singled out for attack. On 2 January 2012 Boko Haram announced that Christians had three days to leave the north of the country. Since then, church bombings have become a regular occurrence, exacerbating inter-communal tensions. A 17 June bombing resulted in the death of 19 people and triggered reprisal killings of Muslims in Kaduna and Yobe states that left 90 people dead. The government has deployed additional police and military to the already heavily militarized north and established curfews.

Over the weekend of 7-8 July attacks on two Christian villages and a funeral procession in Plateau state left almost 100 people dead, including two senior politicians. On 6 August 19 people were killed in Kogi state in central Nigeria after gunmen trapped civilians in a church and fired upon them. This triggered a reprisal attack on a mosque in the same town the following day, resulting in three deaths. On 12 August gunmen attacked a church in Gombe state and killed two people.

ANALYSIS

These deaths result from a pattern of attacks and reprisals that manifest themselves along ethnic and religious lines, although the violence stems from a number of sources. These include poverty, discriminatory policies towards Nigerians regarded as “settlers,” a distinction that has resource allocation implications, and the manipulation of religious and ethnic identities to serve political and economic interests. Boko Haram has successfully exploited these tensions and facilitated the spread of inter-communal violence beyond the north and middle-belt to central and southern Nigeria, as seen by the recent attacks in Kogi state.

While Boko Haram uses terrorism and incites inter-communal violence as a tactic to achieve its goal of destabilizing the Nigerian state, their threat must be understood through the lens of the Responsibility to Protect. The government’s deployment of additional forces in the north has helped in certain cases, yet they appear ill-equipped to protect populations from the scale of the combined threat posed by terrorist attacks and inter-communal violence. The security forces’ acts of arbitrary detention and extra-judicial killings of suspected Boko Haram members are reportedly being used by the group to secure new recruits. Meanwhile those responsible for inciting, aiding and perpetrating inter-communal violence are rarely held accountable.

The government of Nigeria is struggling to uphold its Responsibility to Protect and needs the support of the international community.

INTERNATIONAL RESPONSE

The threat posed by Boko Haram has been viewed internationally as part of the “war on terror” and has elicited a stronger international response than the rising inter-communal violence. The UNSC issued statements on 27 December 2011 and 25 January 2012 reaffirming the “need to combat by all means ... threats to international peace and security caused by terrorist attacks” in Nigeria.

On 22 June the OHCHR released a statement warning that Boko Haram and other groups could be held responsible for crimes against humanity if they are “judged to have committed widespread or systematic attacks against a civilian population,” or “deliberate acts leading to population ‘cleansing’ on grounds of religion or ethnicity.”

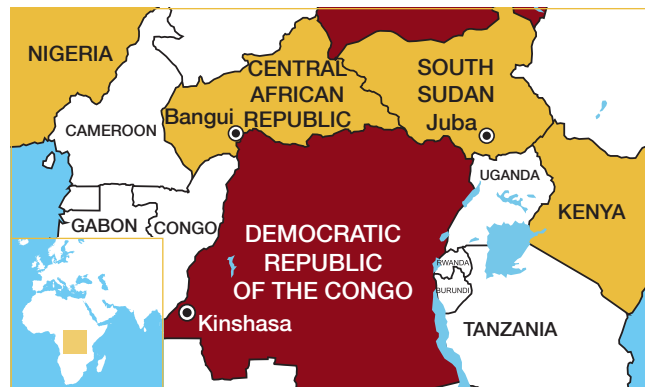
NECESSARY ACTION

The Nigerian government must continue to deploy security forces to protect vulnerable communities and hold those who incite or perpetrate crimes accountable.

With international assistance, the government must advance SSR to ensure that security forces, in particular the police, are trained to prevent atrocities while respecting human rights. The Economic Community of West African States, the AU, the UN, key donors and influential states should assist the government in addressing the underlying causes of inter-communal violence and strengthen the rule of law.

MORE INFORMATION

- » [UNSC Press Statement SC/10507](#), 27 December 2011
- » [UNSC Press Statement SC/10530](#), 25 January 2012
- » [GCR2P Populations at Risk: Nigeria](#)



CENTRAL AFRICA The Lord's Resistance Army

Populations in the Central African Republic, the Democratic Republic of the Congo and South Sudan continue to be at risk of attack by the Lord's Resistance Army, which has perpetrated crimes against humanity for more than twenty years.

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, including in the Central African Republic (CAR), the DRC and South Sudan. No attacks have been reported in Uganda since 2006 and there have been no reported attacks within South Sudan during 2012, but the group remains an active threat to civilians in the DRC and CAR.

Though their numbers are estimated at fewer than 300 combatants, the LRA still poses a formidable threat while operating across remote regions that lack a significant presence of security personnel. The LRA's

mobility has made combatants, including Kony, difficult to track. Kony himself is reportedly currently in southern Darfur and the Ugandan army has accused the government of Sudan of harboring him.

According to the LRA Crisis Tracker, during the first 6 months of 2012 the LRA conducted more than 190 attacks in the north-eastern DRC and CAR, which have resulted in 38 civilian fatalities and more than 300 abductions. The majority of these attacks occurred within the DRC. The LRA has shown a trend over the past year of looting remote villages and committing short-term abductions of civilians to help transport goods. More than 5,500 people have fled LRA attacks so far this year, adding to the more than 445,000 people who have been displaced since 2008.

During the final week of August Ugandan forces reportedly clashed in the CAR with LRA forces under the command of Dominic Ongwen, who was indicted by the ICC in 2005 for crimes against humanity and war crimes. On 1 September the LRA raided two eastern CAR villages and kidnapped 55 people, all but two of whom were released 10 days later.

ANALYSIS

The LRA's recent attacks in the north-eastern DRC and CAR represent a significant surge in activity by comparison to the second half of 2011. The lack of early warning capabilities undermines attempts to protect civilians in such a vast region since the LRA can commit atrocities and flee before local authorities respond.

The governments of Uganda and the DRC have consistently failed to form agreements for the movement of troops across borders in pursuit of the LRA, allowing the LRA to maintain safe havens within the DRC. The large number of refugees fleeing to South Sudan after LRA attacks in the CAR and DRC also has a destabilizing effect upon an already fragile country. The government of the DRC recently redeployed battalions of FARDC troops from LRA-affected areas to address the M23 conflict in North Kivu, leaving populations there vulnerable to attack.

Over the past year renewed international interest from the UNSC, the AU and the United States (US) has resulted in several positive developments. The AU-led Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA), launched its operational phase in March, but lacks sufficient funding and resources to begin full operation.

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 and the mission in South Sudan (UNMISS) stationed in LRA affected areas. MONUSCO has enticed some LRA fighters to leave the group through its DDRRR program and since 2000 Uganda's Amnesty Commission has reintegrated more than 12,000 former fighters and abductees under the Amnesty Act. On 25 May the Ugandan government allowed the Declaration of Amnesty portion of the law to lapse, effectively removing the exemption from criminal prosecution extended to defectors who renounce the LRA and hand over their arms.

The RCI-LRA Joint Coordinating Mechanism met for the first time in May to create a timeline for RCI-LRA actions and to organize financial and logistical support aimed at its implementation.

There has been an unprecedented level of UNSC engagement regarding the LRA since 2011, largely under the leadership of Portugal. On 27 June the Special Envoys for the UN Office on Central Africa (UNOCA) and the AU presented a UN Regional Strategy for the LRA to the UNSC. The UNSC issued a Presidential Statement on 29 June welcoming the new regional initiatives and emphasized the "primary responsibility of States in LRA-affected regions to protect civilians."

NECESSARY ACTION

The government of the DRC needs to coordinate with other LRA-affected countries to agree upon cross-border operations to eliminate LRA safe havens. The AU should lead efforts to diplomatically engage the government of Sudan and ensure that Kony does not secure sanctuary within its borders. International donors should support MONUSCO's DDRRR program to reduce the number of LRA combatants. There is an urgent need to undertake similar DDRRR efforts in the CAR. Donors should help the LRA-affected states build capacity for local early-warning mechanisms, such as providing villages with high frequency radio and mobile phone capabilities. Resources must be provided to help the RCI-LRA fulfill its mandate.

MORE INFORMATION

- » [ICC Situation Page: LRA](#)
- » [LRA Crisis Tracker](#)
- » [Report of the UN Secretary-General S/2012/365](#), 25 May 2012
- » [UNSC President Statement S/PRST/2012/18](#), 29 June 2012
- » [GCR2P Populations at Risk: Central Africa \(LRA\)](#)



KENYA

There are growing concerns about the possibility of a resumption of widespread ethnic violence in Kenya.

BACKGROUND

Kenya has recently experienced a significant increase in inter-communal violence. According to the Kenyan Red Cross at least 116 people have lost their lives and more than 12,000 people have been displaced as a result of various ethnic clashes since August. At least 54 people were reported killed in violence between the Orma and Pokomo communities in the Tana River delta. The attacks and retaliation were sparked by disputes over access to land and water as well as by local politicians inciting violence. Of those killed, the majority were women and children. On 10 September the violence escalated when over 300 members of the Pokomo community attacked an Orma village in the Tana River delta, killing at least 38 people.

Recent ethnic violence has not been confined to the Tana River delta, with a number of incidents also occurring across the North Eastern province. According to Human Rights Watch, the local government “failed to respond to reports from residents over the past six months that violence could be imminent.”

The Kenyan government has declared its intention to ensure these attacks cease. Alongside a peace forum and a curfew, on 12 September the parliament approved deployment of the Kenyan Defence Forces to quell the violence. The same day, the Assistant Livestock Minister, Dhadho Godhana, was charged with inciting violence in the Tana River delta.

In December 2007 post-election violence between ethnic Kikuyu, Luos and Kalenjin left 1,133 people dead and over 663,000 people displaced. The ICC subsequently indicted several leading politicians from President Mwai Kibaki’s Party of National Unity (PNU) for implementing a “common plan” to attack supporters of the rival Orange Democratic Movement, precipitating the ethnic violence.

As Kenya prepares for new elections in March 2013, many of the factors that contributed to previous violence remain. Concerns exist about the possibility of renewed conflict leading to mass atrocity crimes.

ANALYSIS

Since 2007 the Kenyan government has struggled to ensure the safety and security of its population. This has contributed to the ominous growth in a number of ethnic-based militias. On 5 January 2012 the UN Office for the Coordination of Humanitarian Affairs warned that 300 people had been killed in ethnic violence in north and central Kenya in the previous year.

While post-election mediation led to a power-sharing government in 2008, Kenya’s political leaders, President Kibaki and Prime Minister Raila Odinga, remain locked in an ongoing power struggle and there is a risk that the security situation could deteriorate quickly.

Underlying political and ethnic tensions remain strong. It is unclear if the power-sharing government could withstand a sustained recurrence of ethnic violence. However, recent action by the government of Kenya in response to escalating violence demonstrates its commitment to upholding its Responsibility to Protect.

INTERNATIONAL RESPONSE

In 2007 the international community, led by the AU and former UN Secretary-General, Kofi Annan, responded quickly and in keeping with the Responsibility to Protect. After the conclusion of a successful mediation, international engagement with Kenya waned.

On 23 January 2012 the ICC confirmed charges against four suspects who allegedly bore the greatest responsibility for instigating the violence in 2007. Following the ICC ruling the US, the EU and the ICC Prosecutor, issued statements voicing their support for continued reform in Kenya and calling upon the government to avoid any action that may precipitate a return to violence in the lead up to the 2013 elections. They also stressed the responsibility of the government to ensure accountability for crimes in order to deter ethnic and political violence in the future.

NECESSARY ACTION

The Kenyan government must provide immediate protection for populations at risk of attack from ethnic militias and bring perpetrators of the recent violence to justice.

The AU and UN should continue to work with the government of Kenya to support its Responsibility to Protect. In particular, the international community should assist the

Kenyan government in all efforts aimed at strengthening the rule of law, demobilizing militias and building inter-communal dialogue.

MORE INFORMATION

» "Fresh Attacks: More lives lost in fresh attacks," Kenya Red Cross, 11 September 2012

» "Kenya: Investigate All Politicians in Tana River Violence," Human Rights Watch, 13 September 2012

» East Africa Humanitarian Bulletin, United Nations Office for the Coordination of Humanitarian Affairs, August 2012

» GCR2P Populations at Risk: Kenya

ACCOUNTABILITY WATCH

Senegal:

On 20 July the International Court of Justice ordered Senegal to prosecute Hissène Habré, the President of Chad 1982-1990. Habré has lived in Senegal for more than two decades despite being sentenced in absentia for command responsibility for crimes against humanity committed by his government. Senegal and the AU agreed on 22 August to create a special tribunal to try Habré.

Cambodia:

In the interest of transparency, the Extraordinary Chamber of Courts of Cambodia, the UN-backed genocide tribunal for crimes committed during the rule of the Khmer Rouge, released 1,700 confidential documents on 6 September. The documents included witness accounts and victim "confessions" as well as transcripts of tribunal hearings.

Somalia:

Former Somali Prime Minister Mohamed Ali Samantar was ordered by a United States Court to pay \$21 million in compensation for crimes committed under his leadership. Samantar was accused of personally ordering the killing and torturing of members of the Isaaq clan.

Libya:

Abdullah al-Senussi, Muammar Gaddafi's former intelligence chief, was extradited to Libya from Mauritania on 5 September. Senussi was indicted by the ICC in June 2011 for crimes against humanity committed in Libya. Since his capture in March 2012, Libya, France and the ICC have been debating which authority should oversee Senussi's trial. On 23 August Libyan authorities announced that the trial for Gaddafi's son, Saif al-Islam, would begin in September, but the trial has now been postponed.

Bosnia and Herzegovina:

On 17 August Mile Mrkšić, a former Serb military official, was transferred to Portugal by the International Criminal Tribunal for the former Yugoslavia (ICTY) to serve a 20-year sentence for crimes committed against prisoners of war. Four days later, while delivering their closing arguments against Zdravko Tolimir, a former military intelligence chief, ICTY prosecutors requested Tolimir be sentenced to life imprisonment if found guilty of committing genocide, war crimes and crimes against humanity in Srebrenica. Tolimir reported directly to Ratko Mladić who is also currently on trial at the ICTY.



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) 212.817.2100

www.globalr2p.org

Email: info@globalr2p.org

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Executive Director

Simon Adams

To subscribe to the R2P Monitor

please send an e-mail request to Jaclyn D. Streitfeld-Hall at jstreitfeld@globalr2p.org

For media inquiries please contact

Director of Policy and Advocacy
Naomi Kikoler at

Phone (+1) 212.812.1943

nkikoler@globalr2p.org