

# 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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## 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. Some armed opposition groups have also committed war crimes. The increasingly sectarian nature of the civil war puts civilians at even greater risk.*

### BACKGROUND

After more than two years of internal conflict in Syria, civilians remain the primary victims of violence as the fighting continues to move deeper into major urban areas. At least 80,000 people have now been killed. On 11 March the UN Human Rights Council-mandated Commission of Inquiry (CoI) warned that “a failure to resolve this increasingly violent conflict will condemn Syria, the region and the millions of civilians caught in the crossfire to an unimaginably bleak future.”

The UN Under-Secretary-General for Humanitarian Affairs reported that the conflict has internally displaced an estimated 4.25 million Syrians and left 6.8 million in need of humanitarian assistance. As of 25 April there were over 1.4 million refugees registered in neighboring countries. The UN High Commissioner for Refugees said that with 8,000 Syrians now fleeing the country daily there could be 3.5 million refugees by the end of 2013.

The Syrian government continues its aerial bombardment of opposition strongholds and residential areas, in some cases with cluster munitions. On 10 April Human Rights Watch released evidence of at least 59 government air strikes against civilians in northern Syria that have occurred since July 2012. The government was also accused of using chemical weapons after a 19 March attack near Aleppo killed 31 people. The CoI reported that as of 6 May it had not found conclusive evidence of the use of chemical weapons by any party.

Government-allied militias have also been deployed to attack communities, committing large-scale massacres in several towns over the last two years. Government forces and pro-regime militias attacked the predominantly Sunni coastal villages of al-Baida and Baniyas on 2 and 3 May, reportedly executing at least 100 civilians, including children. Pro-government forces continue to commit crimes against humanity, war crimes and gross violations of international humanitarian law (IHL) as a matter of state policy.

Armed opposition groups have also committed war crimes, albeit on a smaller scale than that of the government and its affiliated militias. They have not only been implicated in kidnappings, torture and extrajudicial killings of security forces, but also in abuses committed against civilian supporters of the government. In a conflict that the CoI has described as “overtly sectarian in nature,” some armed groups have deliberately attacked and desecrated Shia religious sites.

The growing Salafist presence amongst the armed opposition has caused friction between rebel groups competing for influence within the country and for external support. On 9 April the head of rebel group Jabhat al-Nusra confirmed the group’s ties to al-Qaeda in Iraq.

While Syria’s political opposition formed the National Coalition for Syrian Revolutionary and Opposition Forces (National Coalition) during November 2012, it continues to be plagued by internal divisions.

International actors continue to vie for influence in shaping the outcome of the conflict, which UN Secretary-General Ban Ki-moon has described as a “proxy war, with regional and international players arming one side or the other.” Several states have formally recognized the National Coalition as the legitimate representative of the Syrian people and are providing it with funding, while Saudi Arabia and Qatar are reportedly providing arms to some rebel groups. In contrast, Russia, Venezuela and Iran have criticized international efforts to undermine President Bashar al-Assad’s government and continue to provide critical economic, military and political support.

The conflict poses a growing threat to peace and stability throughout the Middle East. Between 4 and 6 May Israel launched several airstrikes on military targets in Syria. Syria’s Deputy Foreign Minister called the strikes “an act of war.” Lebanon remains divided along sectarian lines between supporters and opponents of the Assad government and hosts over 430,000 registered Syrian refugees. Hezbollah has engaged in sporadic fighting with Syrian rebels on both

sides of the Syria-Lebanon border. Friction between Syria and Turkey remains high following a number of cross-border incidents. On 11 May two car bomb attacks killed 46 people in the Turkish border town of Reyhanli.

On 15 April the heads of five UN agencies appealed to the international community for greater efforts to end the “carnage” in Syria and contribute further resources to relieve suffering. The UN-League of Arab States (Arab League) Special Envoy Lakhdar Brahimi reiterated his call for the UN Security Council (UNSC) to act regarding Syria.

## ANALYSIS

With each side in Syria committed to an outright military victory, the conflict threatens to imperil the lives of countless more civilians. The government has demonstrated its willingness to utilize Syria’s dwindling financial and military resources to retain power at all costs. Cross-border conflict, recurring sectarian violence in Lebanon and increasing refugee flows are destabilizing the region.

Despite the territorial advances of armed opposition groups, they remain locked in a military stalemate with government forces inside Syria’s major cities. Civilians continue to bear the brunt of government reprisals against rebel-held areas.

Although the government has experienced a significant number of defections to the Sunni-dominated opposition over the past two years, Alawites still form the core of the command structure of the regime’s security apparatus and, along with other minorities, have largely remained supportive. As violence worsens, sectarian divisions have become more pronounced. The need to ensure the safety and security of minorities remains critical.

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 continue to provide crucial economic insulation. Notwithstanding significant bilateral and multilateral efforts to resolve the crisis, the UNSC’s division over Syria has emboldened President Assad and allowed the situation to deteriorate to the point where few options for a peaceful political 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 war crimes and crimes against humanity. Some members of the armed opposition also bear responsibility for war crimes.

## 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

responses prior to March 2013 see [GCR2P’s Timeline of International Response to the Situation in Syria.](#)]

While the UNSC has condemned violence against civilians and previously sent UN observers to Syria, it has been unable to agree upon action aimed at halting the conflict. On 18 April the UNSC issued a Press Statement urging the government to grant unimpeded, cross-border humanitarian access and calling upon all parties to protect civilians.

In the absence of coercive measures mandated by the UNSC, several Western and Arab countries have severed diplomatic relations with the Syrian government and imposed sanctions.

The Human Rights Council has adopted eight resolutions on Syria. The latest, passed on 20 March, strongly condemned ongoing violence, including massacres of civilians. The resolution called upon the Syrian authorities to immediately cease attacks and protect the population. It also extended the mandate of the CoI for another year.

On 6 March the Arab League offered the National Coalition Syria’s seat within the regional grouping. At the League’s 26 March meeting the National Coalition represented Syria.

On 26 March the UN Secretary-General appointed Åke Sellström to head a UN fact-finding mission tasked with investigating alleged chemical weapons use. The Syrian government has yet to allow the team into the country.

At the conclusion of their annual summit on 27 March, the BRICS countries (Brazil, Russia, India, China, South Africa) released a statement expressing deep concern with the deteriorating security and humanitarian situation in Syria, condemning the violence and calling upon all parties to facilitate immediate and unimpeded humanitarian access to those in need of assistance.

On 7 May United States Secretary of State John Kerry announced that the United States and Russia would try to hold a conference by the end of the month aimed at finding a political solution to the conflict.

In a 13 May Press Statement the UNSC strongly condemned the 11 May car bombings in Turkey.

## NECESSARY ACTION

Syrian government forces and armed opposition groups must halt the commission of mass atrocity crimes and adhere to IHL. The Syrian government and armed opposition groups must facilitate unimpeded humanitarian access to civilian populations.

The UNSC needs to take immediate steps to end atrocities in Syria. It must impose an arms embargo and authorize

targeted sanctions. It should also refer the situation to the ICC for investigation and support the work of the Col.

War crimes and crimes against humanity in Syria should be thoroughly investigated and the perpetrators, regardless of their affiliation, brought to justice. Donor countries should allocate funds for additional UN-sanctioned human rights monitors on the Syrian border in order to collect evidence for prosecutions.

Russia, Iran and Venezuela must cease arming and enabling the crimes of the Syrian government. Similarly, countries opposed to the rule of President Assad should deny support for any armed opposition groups who commit war crimes or target Alawites, Christians, Kurds and other minorities for reprisals. The international community and regional powers should increase efforts to find a political solution to the conflict.

## MORE INFORMATION

- » [Oral Update of the independent international commission of inquiry on the Syrian Arab Republic A/HRC/22/CRP.1](#), 11 March 2013
- » [Statement by the independent international commission of inquiry on the Syrian Arab Republic](#), 6 May 2013
- » ["Syria: Aerial Attacks Strike Civilians,"](#) Human Rights Watch, 10 April 2013
- » [Situation of human rights in the Syrian Arab Republic A/HRC/22/L.31/Rev.1](#), 20 March 2013
- » [UNSC Press Statement](#), 13 May 2013
- » [GCR2P Populations at Risk: Syria](#)



## SUDAN

*Populations in the Sudanese states of South Kordofan and Blue Nile continue to face mass atrocity crimes perpetrated by the Sudanese Armed Forces and their affiliated militias. Populations are also at risk in Darfur.*

### BACKGROUND

Since June 2011 the Sudanese Armed Forces (SAF) have conducted a counterinsurgency campaign in South Kordofan against the Sudan People's Liberation Movement-North

(SPLM-N), a rebel group that fought alongside forces associated with the government of South Sudan during the civil war. These forces have also been fighting in neighboring Blue Nile since the conflict expanded there during September 2011. While the African Union (AU)-led peace process has helped to mitigate border tensions between Sudan and South Sudan, populations in South Kordofan and Blue Nile continue to endure mass atrocity crimes perpetrated by the SAF.

The SAF has continued indiscriminate aerial bombardments of populated areas in South Kordofan and Blue Nile, reportedly including the use of cluster munitions. During ground attacks conducted since June 2011 the SAF and their allied paramilitaries, the Popular Defense Forces (PDF), have committed extra-judicial killing, arbitrary arrest, forced displacement and sexual violence against civilians. Scorched earth tactics, systematic targeting of food sources and deliberate destruction of civilian structures have been documented.

The SPLM-N has also perpetrated war crimes, including the alleged forced recruitment of youths in South Sudanese refugee camps. The rebel group continues to shell civilian areas of Kadugli, South Kordofan, in direct violation of IHL.

Fighting between the SAF and SPLM-N has led to the internal displacement of over 1 million civilians, while more than 222,000 have fled to South Sudan and Ethiopia. The government of Sudan continues to block humanitarian access to rebel-held areas in South Kordofan. Following a rapid needs assessment, on 4 April the World Food Programme started delivering food assistance to 51,000 civilians in Blue Nile after the government of Sudan granted access for the first time since the start of the conflict. Sudanese authorities continue to deny independent monitors and the media access to South Kordofan and Blue Nile, limiting verification of the impact of the conflict upon the civilian population.

The government has consistently failed to honor AU-brokered agreements, including the 28 June 2011 Framework Agreement, as well as UNSC Resolution 2046 of 2 May 2012, which called for an immediate cessation of hostilities in South Kordofan and Blue Nile.

For the first time since the start of the conflicts in South Kordofan and Blue Nile, the government of Sudan and the SPLM-N held direct talks on 24 April. Facilitated by the AU High Level Implementation Panel on Sudan (AUHIP), the talks ended on 26 April without agreement, but both parties agreed to continue discussions. The dialogue aims to resolve the conflicts in South Kordofan and Blue Nile and to complete the disarmament of the SPLM-N that was mandated under the 2005 Comprehensive Peace Agreement (CPA).

The conflicts in South Kordofan and Blue Nile are linked to border tensions between Sudan and South Sudan. Sudan alleges that South Sudan supports the SPLM-N and allows it to use its territory. On 27 September, under the auspices of the AUHIP, both governments signed cooperation agreements addressing contentious issues, including oil transit fees and the status of citizens in the other's territory. They also agreed to demarcate their borders and establish a safe demilitarized border zone (SDBZ) to be monitored by the UN peacekeeping force in Abyei (UNISFA) as part of the Joint Border Verification Monitoring Mechanism (JBVMM).

As a result of mediation efforts by former President of South Africa and current chairperson of the AUHIP, Thabo Mbeki, border security agreements were reached on 8 and 12 March, which led to both national armies withdrawing from the SDBZ area. Following its first verification missions on 23 and 24 March, UNISFA confirmed a military pullout had begun.

Sudanese President Omar al-Bashir met with South Sudanese President Salva Kiir on 12 April in Juba, South Sudan, to continue discussions on outstanding issues, particularly those relating to rebels operating in the other's territory. Following the talks, three South Sudanese rebel groups with links to Sudan's government surrendered as part of an amnesty deal. However, the talks failed to resolve the final status of Abyei, an area which witnessed significant violence in May 2011. On 4 May a Ngok Dinka Paramount Chief and a UN peacekeeper were killed there following an attack by armed Misseriya pastoralists.

The security situation in Darfur also remains highly volatile as a result of inter-communal and state-sponsored violence which has displaced over 200,000 people so far this year. Large-scale attacks against civilians in North Darfur by the Border Guards, a paramilitary force linked to Sudanese Military Intelligence, have resulted in over 500 civilian fatalities since January. In a 23 February incident, over 100 suspected members of the Border Guards assaulted the town of El Siref resulting in the death of at least 53 civilians. During April, clashes between government security forces and various rebel groups in Darfur resulted in civilian deaths and more than 50,000 people displaced. One such clash with Sudan Liberation Movement/Minni Minawi rebels resulted in the death of a UN peacekeeper.

## ANALYSIS

Increased aerial bombardment of rebel-held areas and military offensives by the SAF and the SPLM-N have heightened the risk to civilians in both South Kordofan and Blue Nile. Both parties continue military operations against civilian areas despite ongoing negotiations.

The government of Sudan has a history of perpetrating atrocities in Darfur and during its civil war with the south.

It has consistently defied external pressure to halt mass atrocity crimes. Such crimes are currently being committed by the SAF in South Kordofan and Blue Nile, where patterns of violence specifically targeting civilians have been witnessed for nearly two years. Indiscriminate bombings demonstrate the continued failure of the government of Sudan to distinguish between combatants and civilians, actions which violate IHL and may amount to crimes against humanity.

The ongoing rapprochement between Sudan and South Sudan, illustrated by the recent presidential summit in Juba, demilitarization of the border and the decision to resume oil production, has helped to mitigate the risk of war between the two states. However, both sides have failed to address the final status of Abyei during recent negotiations. The violence on 4 May illustrates that tensions between the Ngok Dinka and Misseriya communities continues to endanger civilians in the area.

Despite the presence of a UN peacekeeping force (UNAMID), the security situation in Darfur continues to deteriorate. Recent inter-communal violence and the expanded operations of Darfuri rebel groups into North Kordofan have heightened the risk of mass atrocity crimes.

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

## INTERNATIONAL RESPONSE

President Bashir, the Sudanese Defence Minister, Abdel Raheem Muhammad Hussein, and the current governor of South Kordofan, Ahmad Haroun, were indicted by the ICC for war crimes and crimes against humanity committed in Darfur. President Bashir was also indicted in 2010 for perpetrating genocide in Darfur. [For responses prior to May 2013, see [GCR2P's Timeline of International Response to the Situation in South Kordofan and Blue Nile States](#).]

The AUHIP was established in March 2009 to address the situation in Darfur, but was re-mandated in October 2009 to assist in the implementation of the CPA. Acting on behalf of the AUHIP, since July 2011 Mbeki has held regular talks between the governments of Sudan and South Sudan. Mbeki negotiated the 27 September 2012 cooperation agreements and 8 March 2013 border security agreement between the two states. The UNSC has expressed its support for the AU's efforts, including through Resolution 2046, which called upon the parties to implement all provisions of an April 2012 AU "Roadmap" for Sudan and South Sudan.

Mbeki also helped negotiate the 20 June 2011 Framework Agreement between the SPLM-N and government of Sudan and facilitated the 24-26 April 2013 meetings. The UN

Secretary-General issued a statement on 24 April urging Sudan and the SPLM-N to agree on an immediate ceasefire.

Nkosazana Dlamini Zuma, Chairperson of the AU Commission, welcomed the withdrawal of Sudanese and South Sudanese troops from the SDBZ in a statement on 20 March. She also called upon the UNSC to reinforce UNISFA with an additional 1,126 personnel to protect the JBVMM's monitors.

The AU Chairperson and Peace and Security Council issued statements on 5 and 7 May condemning the recent violence in Abyei. The AU called upon the governments of Sudan and South Sudan to deescalate tensions between the Misseriya and Ngok Dinka communities.

### NECESSARY ACTION

The government of Sudan and SPLM-N must cease hostilities and address the underlying causes of the conflict. The UNSC should ensure that the provisions of Resolution 2046 relating to humanitarian access are enforced. The UNSC should expand the arms embargo that currently applies to Darfur to also include South Kordofan and Blue Nile.

The UNSC and AU must ensure that all provisions of the 2011 Framework Agreement and 2012 cooperation agreements are rigorously implemented. States with major investments in Sudan, including China, Qatar and Saudi Arabia, should use their leverage to press the government to fulfill its commitments under these agreements.

Crimes against humanity and war crimes perpetrated by all parties in South Kordofan, Blue Nile and Darfur must be thoroughly investigated by a credible and independent body. The UNSC should mandate the establishment of an international commission of inquiry for South Kordofan and Blue Nile.

Sudan and South Sudan must continue negotiations to resolve outstanding post-secession issues. Both governments should stop the illicit flow of weapons to armed groups operating in the other's territory. The governments of Sudan and South Sudan should resolve the status of Abyei. The area must be demilitarized in keeping with previous agreements.

### MORE INFORMATION

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Resolution S/RES/2046, 2 May 2012](#)
- » [AU PSC Communiqué PSC/AHG/COMM/1\(CCCLIII\), 26 January 2013](#)
- » [GCR2P Populations at Risk: Sudan](#)



## DEMOCRATIC REPUBLIC OF THE CONGO

*Crimes against humanity are being perpetrated by armed groups and military forces operating in the eastern Democratic Republic of the Congo.*

### BACKGROUND

Populations in the eastern regions of the Democratic Republic of the Congo (DRC) continue to face mass atrocity crimes perpetrated by armed groups. Insecurity caused by fighting between the Armed Forces of the DRC (FARDC) and a group of army defectors, known as the March 23 (M23) rebel movement, has allowed various armed groups and militias to attack the civilian population. More than 900,000 civilians have fled their homes since the mutiny started during April 2012, contributing to the more than 2.6 million internally displaced persons (IDPs) in the DRC.

Armed groups that have been operating within the DRC for more than a decade – namely the Democratic Forces for the Liberation of Rwanda (FDLR) and various local Mayi-Mayi militias – have been attacking populations in the eastern DRC with increasing frequency. UN High Commissioner for Human Rights Navi Pillay noted in a 14 November joint press release with the UN Joint Human Rights Office in DRC (UNJHRO) that the systematic violations committed by these armed groups over the past year “are the most serious we have seen in recent times in the DRC.”

One such armed group, Raia Mutomboki, claims to be protecting local populations in South Kivu by attacking FDLR combatants and their families. Raia Mutomboki assaults have taken on an increasingly inter-communal dimension, with Kinyarwanda speakers being at particular risk since the FDLR is mainly comprised of ethnic Hutus, many of whom were affiliated with forces responsible for the 1994 genocide in Rwanda. These attacks have resulted in a cycle of retaliation upon populations perceived to be affiliated with the other group. Between December 2012 and February 2013, Raia Mutomboki also engaged in fighting with the FARDC over control of mining sites in Maniema, displacing more than 80,000 people.

Another armed group, the ethnic Hunde dominated Alliance of Patriots for a Free and Sovereign Congo (APCLS), started attacking ethnic Tutsi IDPs in Kitchanga on 24 February. Several days of fighting between APCLS and the FARDC resulted in more than 80 people killed and nearly 120,000 displaced.

Similar patterns of violence have been witnessed in Katanga and Oriental Province over the past six months. The UN Office for Humanitarian Affairs (OCHA) reported in April 2013 that various Mayi-Mayi groups are accused of killing, abducting and forcefully recruiting civilians in Katanga. Armed groups have increased their operations in a security vacuum created by the redeployment of FARDC troops to confront the M23 mutiny.

Populations have also endured mass atrocities as a result of hostilities between the FARDC and M23. While clashes occurred intermittently between May and October 2012, M23 launched a major offensive during November, resulting in the capture of Goma, the regional capital of North Kivu. More than 140,000 civilians were displaced by the fighting.

Following demands made by the UNSC and the International Conference for the Great Lakes Region (ICGLR), M23 retreated from Goma on 1 December. Peace negotiations between M23 and the DRC government began in Uganda on 8 December, but a formal agreement was not reached.

The UN has reported that the M23 has committed human rights violations against civilians, including summary executions, gender-based violence and large-scale recruitment and use of child soldiers, actions which may amount to crimes against humanity. The FARDC has also been implicated in attacks upon civilians, including 135 documented cases of rape committed in Minova as M23's forces occupied Goma. OCHA reported on 13 February that FARDC troops threatened civilians in Maniema on the basis of their ethnicity during their assault on Raia Mutomboki. OCHA has also received allegations of the FARDC committing crimes against populations in Katanga in reprisal for collaboration with Mayi-Mayi groups.

M23 split into two rival factions on 27 February, resulting in fighting for control of the group's strongholds and a new wave of displacement. Continued fighting during March resulted in an estimated 700 members of one faction fleeing to Rwanda where they were disarmed and demobilized. On 18 March Bosco Ntaganda, an M23 leader indicted by the ICC for crimes committed in Ituri during a previous conflict, surrendered at the United States' Embassy in Kigali. Ntaganda was transferred to The Hague and appeared in court on 26 March.

## ANALYSIS

While the surrender of Ntaganda has been hailed as a victory for international justice, the threat posed by M23 and

other armed groups remains high. These groups continue to perpetrate atrocities against civilians, particularly in the eastern DRC where sexual violence is frequently used as a weapon to terrorize local populations. Competition for control of minerals and underlying conflict between communities that consider themselves "indigenous" and those with alleged Rwandan ancestry contributes to the pervasiveness of armed violence. Without adequately addressing the root causes of inter-communal conflict in eastern DRC, armed groups will continue to emerge and threaten populations residing there.

UNJHRO has reported that following FARDC redeployments to other regions, armed groups have tried to expand their areas of influence, "carrying out violent attacks against civilians and exacerbating interethnic tension." Ethnic Hutus and Tutsis remain at particular risk of targeted killing by Raia Mutomboki and the APCLS who perceive them as supportive of the FDLR or M23.

FARDC troops have routinely committed crimes against populations they have been deployed to protect. The FARDC also continues to incorporate local militias into its ranks, a practice that can exacerbate divisions within the military and potentially put civilians at risk.

The weakness of government structures undermines attempts to prevent atrocities and protect civilians. This is particularly evident in the eastern DRC where the government has lost control of several areas to M23 and other rebel groups and has historically been incapable of controlling the movement of people and resources across its borders. Local populations and neighboring governments also fault the DRC government for its failure to halt FDLR operations over the past decade.

The government of the DRC has struggled to uphold its Responsibility to Protect and in some cases its own forces have been complicit in crimes against humanity and war crimes.

## INTERNATIONAL RESPONSE

The UN stabilization mission in the DRC (MONUSCO) is responsible for more than 19,000 UN personnel operating under a civilian protection mandate. Prior to the 2012 escalation of violence, the UN had facilitated a significant reduction in membership of various armed groups through its Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) program. The UN Special Representative to the DRC, Roger Meece, issued a letter to the government of the DRC on 25 March demanding that they take action against FARDC commanders responsible for sexual violence in Maniema. The government responded on 11 April by suspending 12 senior military officers and initiating an investigation into the crimes.

During 2012 the UNSC issued four Press Statements and a Presidential Statement on the crisis in the eastern DRC, condemning the activity of M23 and other armed groups. The UNSC adopted Resolution 2076 on 20 November demanding the immediate withdrawal of M23 from Goma.

The UNSC currently subjects 9 entities and 31 individuals, including several M23 leaders, to the enforcement of travel bans and asset freezes. On 31 December the sanctions committee added M23 and the FDLR to its targeted sanctions list.

On 24 February eleven neighboring countries signed the Peace, Security and Cooperation Framework for the DRC and the Region, designed to provide a comprehensive solution to conflict. The UN, AU, ICGLR and South African Development Community (SADC) agreed to serve as guarantors. The UNSC issued a Press Statement on 25 February supporting the Framework. To support implementation, UN Secretary-General Ban Ki-moon appointed Mary Robinson to serve as Special Envoy for the Great Lakes Region. Robinson made her first formal visit to the region at the end of April.

The UNSC unanimously passed Resolution 2098 on 28 March, updating the mandate of MONUSCO to include an “intervention brigade” authorized to conduct “targeted offensive operations” against armed groups operating in the eastern DRC. The brigade will be composed of 3,069 troops contributed by South Africa, Tanzania and Malawi.

### NECESSARY ACTION

The government of the DRC and MONUSCO need to ensure that the protection of civilians remains a priority as they address the military threat posed by various armed groups operating in the DRC.

The government should immediately train newly integrated groups within the FARDC in the protection of civilians, respect for human rights and IHL. The FARDC must not permit individuals who have previously committed atrocities to join its forces. The government urgently needs to act on commitments made in the Joint Communiqué signed with the UN on halting sexual violence in the eastern DRC.

UNJHRO should continue to investigate groups committing ethnically-motivated crimes and the Human Rights Council, UNSC and other key actors must take action in response to their findings. All perpetrators of mass atrocity crimes in the DRC, including members of the FARDC, need to be held accountable.

The government of the DRC, with support from MONUSCO, should seek to address local grievances and support peace building at local and national levels in order to prevent future violence.

The AU, ICGLR and SADC should continue to lead international efforts to halt the operation of armed groups in the eastern DRC. Together with the UN Special Envoy, these organizations must ensure that the signatories to the Peace, Security and Cooperation Framework for the DRC and the Region fulfill their commitments.

### MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution 2098 S/RES/2098](#), 28 March 2013
- » [Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region](#), 24 February 2013
- » [“D.R. Congo’s Neglected ‘Triangle of Death’: The Challenges of the Protection of Civilians in Katanga,”](#) UN OCHA, April 2013
- » [Report on Serious Human Rights Violations Perpetrated by Soldiers of the Congolese Armed Forces and Combatants of the M23 in Goma and Sake, North Kivu Province and in and Around Minova, South Kivu Province, from 25 November to 2 December 2012](#), UNJHRO, May 2013
- » [GCR2P Populations at Risk: DRC](#)



## IMMINENT RISK

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



## BURMA/MYANMAR

*Despite political reforms implemented by the government, ethnic and religious minorities in Burma/Myanmar face an imminent risk of mass atrocity crimes.*

### BACKGROUND

Beginning on 20 March inter-communal violence between Buddhists and Muslims engulfed the town of Meikhtila, in Burma/Myanmar's central Mandalay region. During two days of clashes an estimated 40 people were killed and 12,000 displaced. Local reports described mobs of Buddhist extremists, including monks, attacking Muslim homes, businesses and mosques. President Thein Sein imposed a state of emergency on 22 March and deployed troops to restore order.

The following week similar clashes broke out in several other villages. Despite imposing a curfew, the government failed to adequately protect Muslims. On 22 April Human Rights Watch reported that state security forces in some cases "stood aside during attacks or directly supported the assailants, committing killings and other abuses." There are reports that a 21 March massacre of over 30 Muslim students and teachers in Meikhtila took place in view of police who failed to intervene to protect the victims. On 28 March the UN Special Rapporteur on human rights in Myanmar, Tomás Ojea Quintana, said this "may indicate direct involvement by some sections of the State or implicit collusion and support for such actions."

This latest sectarian violence follows widespread clashes between Arakanese/Rakhine Buddhists and Rohingya

Muslims in Arakan/Rakhine state during June and October 2012. Nearly 200 people were killed, with an estimated 120,000, mostly Rohingya, displaced to nearby IDP camps or neighboring countries. Security forces tasked with restoring order are similarly accused of using excessive force and committing human rights violations themselves. State media published anti-Rohingya accounts of the events, encouraging further persecution.

On 29 April the government-appointed Rakhine State Conflicts Investigation Commission released its report, calling upon the government to increase humanitarian support to IDP camps and ensure that the human rights of all groups are protected. However, the Commission also referred to the Rohingya as "Bengalis," reinforcing the prejudice that they are ethnic outsiders.

The Rohingya continue to face discriminatory state policies, including the denial of citizenship. Last June President Thein Sein asserted that Burma/Myanmar will not take responsibility for Rohingya because they are "not our ethnicity." Buddhist monk organizations have called for their deportation and have attempted to block the delivery of humanitarian assistance to Rohingya IDPs in Arakan/Rakhine state.

Conditions for Burma/Myanmar's other ethnic and religious minorities also remain grave. After 60 years of civil war, the government has reached ceasefire agreements with several ethnic armed groups. Despite this, fighting continues in Kachin, Karenni/Kayah, Karen/Kayin, Chin and Shan states.

During 2012 the UN recorded violations committed by the government's armed forces (Tatmadaw) including extrajudicial killing, sexual violence and the recruitment of child soldiers, possibly amounting to war crimes and crimes against humanity. OCHA has said the government continues to block parts of Kachin and Shan states from access to humanitarian relief for those affected by the fighting.

### ANALYSIS

The violence in Meikhtila and Arakan/Rakhine is evidence of a dangerous communal fracture that the government is failing to address. While the government has been credited with introducing extensive democratic reforms, widespread abuses against several of Burma/Myanmar's minorities continue.

In particular, the government has taken little action towards improving the plight of the Rohingya. The government's failure to condemn incitement and deadly violence against Rohingya is tacit endorsement of their persecution, while refusal to grant them citizenship enables ongoing violations of their human rights.

Attacks by the Tatmadaw also pose a grave threat to already vulnerable civilians, particularly in Kachin state, and indicate that the military's commitment to reform remains questionable. Special Rapporteur Quintana said on 16 February that the Tatmadaw's extensive military presence in Kachin state "remains beyond the reach of accountability mechanisms." The country's constitution exempts the Tatmadaw from prosecution for any act carried out "in the execution of their respective duties" and grants it autonomy to manage its own affairs. With a pervasive culture of impunity, the military has not been held accountable for previous mass atrocity crimes.

The government of Burma/Myanmar must undertake immediate measures to uphold its Responsibility to Protect.

### INTERNATIONAL RESPONSE

Following decades of political isolation, democratic reforms have contributed to rapprochement between Burma/Myanmar and the international community, including the lifting of sanctions and cancellation of bilateral debt by a number of countries. In January the Asian Development Bank and the World Bank approved major loans to the government, their first in over 25 years. On 22 April the European Union suspended all sanctions against Burma/Myanmar with the exception of an arms embargo.

On 1 May Special Rapporteur Quintana welcomed the Rakhine Investigation Commission's recommendations, but expressed concern over its failure to address impunity and investigate widespread human rights violations targeting Muslims. He urged the government to remove discriminatory regulations imposed upon Rohingya and grant them citizenship. The Association of Southeast Asian Nations Inter-Parliamentary Caucus and the Organization of Islamic Cooperation have also condemned discrimination and violence against Rohingya.

On 19 March the UN Human Rights Council adopted a resolution expressing concern about the violence in Kachin state and calling upon the government to intensify efforts at political dialogue with the Kachin Independence Organization. The resolution also urged the government to ensure accountability for those responsible for violence in Arakan/Rakhine state, facilitate the effective coordination of humanitarian assistance, end discrimination against Rohingya and grant them equal access to citizenship.

In a 25 March statement on the violence in Meikhtila the UN Special Adviser on the Prevention of Genocide, Adama Dieng, said there is considerable risk of further violence unless the government implements measures to prevent escalation, including holding accountable those responsible for violence and protecting populations at risk.

### NECESSARY ACTION

The government of Burma/Myanmar must uphold its Responsibility to Protect all populations, regardless of their ethnicity or creed.

The government must address the endemic discrimination against Rohingya, including the denial of citizenship. It must hold accountable all those who incite ethnic and religious hatred and investigate abuses. In Arakan/Rakhine state, the government must facilitate the safe, voluntary return of IDPs to their communities. Neighboring countries should offer protection to Rohingya asylum seekers.

The government must allow unhindered humanitarian access to those affected by violence in Arakan/Rakhine, Kachin and Shan states.

The international community must press the government of Burma/Myanmar to prioritize the development of a comprehensive plan to engage ethnic minorities in an inclusive reconciliation process. Remaining sanctions should only be lifted following the cessation of armed violence and a demonstrable improvement in the welfare of ethnic and religious minorities.

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

### MORE INFORMATION

- » [Religious violence in Myanmar, the consequences of Government inaction in tackling prejudice and discrimination, UN Special Rapporteur on the situation of human rights in Myanmar, 28 March 2013](#)
- » ["All You Can Do Is Pray," Human Rights Watch, 22 April 2013](#)
- » [Statement by the UN Special Rapporteur, 1 May 2013](#)
- » [GCR2P Populations at Risk: Burma/Myanmar](#)

**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.

**NIGERIA**

*Attacks by Boko Haram and inter-communal violence are creating a deadly dynamic that puts populations at heightened risk of crimes against humanity in Nigeria.*

**BACKGROUND**

During 2012 over 850 people were killed in bombings and gun attacks carried out by Boko Haram, an extremist Islamist group that is committed to overthrowing Nigeria's secular government. These attacks exacerbate existing ethnic and religious tensions while increasing the risk of widespread inter-communal violence. As a result of the ongoing violence, on 26 November 2012 the ICC reported that the Prosecutor has "determined that there is a reasonable basis to believe that crimes against humanity have been committed" by Boko Haram.

In its response to the security threat posed by Boko Haram, the Nigerian military has sometimes targeted Muslim communities that it blames for sustaining the group. In the most extreme form, this may have contributed to reprisals by the army between 16 and 17 April following the death of a soldier at the hands of Boko Haram in the northeastern town of Baga. Fighting between the military and Boko Haram resulted in the death of an estimated 180 people and destruction of over 2,000 homes. Nigerian President Goodluck Jonathan responded by ordering an investigation into the widespread civilian fatalities and by launching a Committee on Dialogue and Peaceful Resolution of Security Challenges.

As part of Boko Haram's expanded terrorist campaign, Christians have been singled out for attack and church bombings have become a regular occurrence. During the Easter holidays in March at least 38 people were killed in

a car bombing in the northern city of Kaduna. Over the past year these attacks have sometimes triggered violent reprisals against Muslims.

Incidents of inter-communal conflict and religious tension have historically occurred in northern Nigeria and the "middle-belt" region, which straddles the predominantly Muslim north and Christian south. According to the UN Office of the High Commissioner for Human Rights, between 1999 and 2010 more than 13,500 Nigerians were killed in inter-communal violence, while the Council on Foreign Relations estimates that since May 2011 more than 2,100 people have been killed in sectarian violence as compared to 1,850 killed in Boko Haram attacks.

Inter-ethnic clashes among Muslim and Christian communities in Plateau state resulted in an estimated 85 deaths between 20 and 27 March. Clashes between Hausa-Fulani Muslims and Jukun Christians that broke out during a Christian funeral in Taraba state on 3 May resulted in at least 39 people killed. This follows violence between the same groups that started over the use of a football pitch in February, which resulted in 30 deaths.

On 14 May President Jonathan declared a state of emergency in the northern states of Adamawa, Borno and Yobe in order to deal with the deteriorating security situation. President Jonathan said that Boko Haram and other terrorist groups "pose a very serious threat to national unity and territorial integrity."

**ANALYSIS**

The violence in Nigeria stems from a number of sources including poverty, discriminatory policies towards Nigerians regarded as "settlers" and the manipulation of religious and ethnic identities to serve political and economic interests. Boko Haram successfully exploits these tensions to facilitate the spread of inter-communal violence or to provoke extreme military repression against the Muslim communities from which it recruits its operatives. While Boko Haram uses terrorism as a tactic, the resulting inter-communal violence demonstrates why their threat must be understood through the lens of the Responsibility to Protect.

Boko Haram is linked with transnational armed Islamist groups and has been viewed internationally as part of the "war on terror." As such, the effort to militarily defeat Boko Haram has elicited a stronger response from the international community and the Nigerian government than

the need to address the root causes of persistent ethnic and sectarian conflict.

As fighting escalates between the security forces and Boko Haram, the indiscriminate use of force by both sides is contributing to a rising number of civilian deaths. The recent violence in Baga indicates that civilians, caught between Boko Haram and the security forces, continue to face potential mass atrocity crimes. The government currently lacks the material resources necessary to protect populations from the scale of the combined threat posed by terrorist attacks and inter-communal violence.

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

### INTERNATIONAL RESPONSE

Although in November 2012 the ICC found that there is a reasonable basis to believe that crimes against humanity have occurred in Nigeria, it has stated that it will not proceed with any prosecutions so long as the government continues to take appropriate legal action against suspected perpetrators of these crimes.

The UNSC last issued a Press Statement on Nigeria during January 2012, focusing on terrorist attacks by Boko Haram. The UN Secretary-General released a statement on 22 April in response to the violence in Baga underscoring “the need for all concerned to fully respect human rights and safeguard the lives of civilians.”

### NECESSARY ACTION

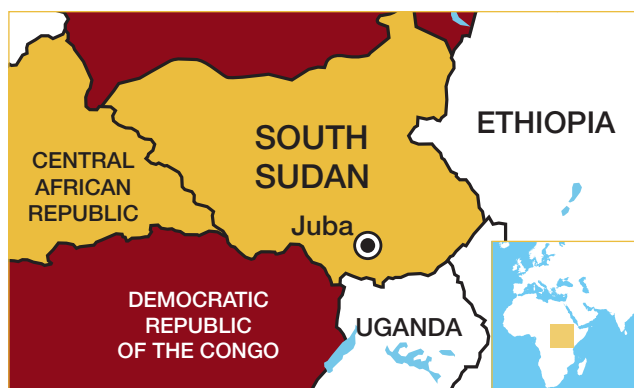
Security forces deployed to the middle-belt and north under the state of emergency must protect vulnerable communities in a manner that is consistent with IHL. With international assistance, the government should advance security sector reform to ensure that the army and police are trained to prevent mass atrocities while respecting human rights.

Those who incite or perpetrate inter-communal violence must be held accountable.

The AU, Economic Community of West African States (ECOWAS), UN and states with significant ties to Nigeria, including the United Kingdom, should assist the government in addressing the underlying causes of inter-communal violence and strengthening the rule of law.

### MORE INFORMATION

- » [Report on Preliminary Examination Activities 2012, International Criminal Court](#), November 2012
- » [“Spiraling Violence: Boko Haram Attacks and Security Forces Abuses in Nigeria,” Human Rights Watch](#), 11 October 2012
- » [GCR2P Populations at Risk: Nigeria](#)



## SOUTH SUDAN

*The threat of inter-communal violence in South Sudan leaves populations, particularly those in Jonglei state, at serious risk of mass atrocity crimes.*

### BACKGROUND

Populations in Jonglei state face a heightened risk of inter-communal violence during the dry season in South Sudan. This violence follows a cyclical pattern with increases in cattle raids and competition for natural resources during the seasonal migration of populations. In recent decades this violence has intensified in scale and scope due in part to the proliferation of small arms. Increasingly, women and children have been targeted for abduction and sexual violence.

A large-scale attack by armed Lou Nuer youth on Murle communities during December 2011 and retaliatory attacks that continued until March 2012 resulted in at least 888 civilian deaths. While recent violence has not reached the scale of 2011/2012, several major attacks have occurred. In the deadliest incident during 2013, a large group of Murle fighters attacked more than 6,000 migrating Lou Nuer pastoralists in Walgak, Jonglei state on 8 February. The attack resulted in the death of more than 85 civilians.

On 8 February the UN Special Representative of the Secretary-General to South Sudan, Hilde Johnson, warned that there were “signs of Lou Nuer mobilization” and called upon South Sudanese authorities to do their utmost to prevent inter-communal violence.

Since the 2011/2012 dry season the government of South Sudan has undertaken measures to prevent renewed inter-communal violence, including launching a disarmament campaign in Jonglei state and facilitating a peace accord between traditional Lou Nuer and Murle leaders. These initiatives, however, failed to eliminate the risk to populations in Jonglei state and were suspended in September 2012.

UNMISS has also reported serious human rights violations perpetrated by government forces, the Sudan People's Liberation Army (SPLA). On 19 April the SPLA conducted a "revenge attack" on a medical facility following clashes with cattle rustlers in Eastern Equatoria state. Over 20 people were killed, including four medical staff.

In addition, forces loyal to David Yau Yau, a rebel leader who is allegedly backed by the government of Sudan, have regularly clashed with the military since late August, resulting in over 100 SPLA deaths. Yau Yau continues to recruit youth from his own community, the Murle, and also allegedly played a significant role in provoking the 8 February attacks.

The SPLA launched a major counter-insurgency operation against Yau Yau's forces in late March. On 9 April, three civilians and nine UN personnel were killed in Jonglei state following an ambush by 200 armed rebels reportedly aligned with Yau Yau. While President Kiir reiterated an amnesty offer to all rebel groups on April 25, Yau Yau's forces continue to attack SPLA positions and partially occupied Boma on 8 May.

### ANALYSIS

Although the current dry season is coming to a close and has been relatively peaceful as compared to 2011/2012, according to the UN mission in South Sudan (UNMISS) the risk of inter-communal violence remains high and is likely to displace approximately 200,000 South Sudanese during 2013. The rapid escalation of hostilities during the 8 February attacks indicates that the root causes of conflict between the Murle and the Lou Nuer have not been fully addressed. The failure to prosecute perpetrators responsible for past attacks deepens the enmity between communities and perpetuates cycles of violence.

While the SPLA's increased deployment throughout Jonglei state has helped to deter the large-scale mobilization of armed youth, ongoing capacity issues have been highlighted by the inability to halt the attacks on 8 February. Allegations of ongoing human rights violations by the SPLA demonstrate the need for urgent security sector reform.

The government of South Sudan requires ongoing international assistance to ensure security throughout the country and uphold its Responsibility to Protect.

### INTERNATIONAL RESPONSE

The UNSC established UNMISS on 9 July 2011 through Resolution 1996. The peacekeeping mission is tasked with assisting the government of South Sudan in "fulfilling its responsibility to protect."

### NECESSARY ACTION

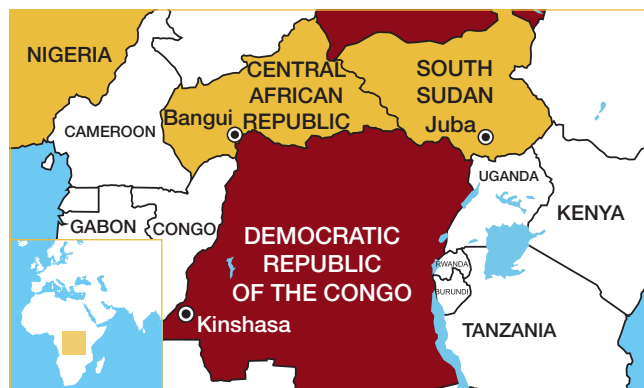
The government must uphold its Responsibility to Protect all civilians while conducting operations against Yau Yau's forces.

The government of South Sudan should disarm all communities in Jonglei and implement all provisions of the 2012 peace accord to ensure the root causes of inter-communal conflict are addressed. The government must hold perpetrators of inter-communal violence accountable and break the culture of impunity regarding such activities.

The international community should assist UNMISS and the SPLA in upholding their protection responsibilities by providing riverine and helicopter assets. Donors should fund human rights sensitization programs to enhance the effectiveness and accountability of the SPLA.

### MORE INFORMATION

- » [UNMISS Website](#)
- » [GCR2P Populations at Risk: South Sudan](#)



## CENTRAL AFRICA

### The Lord's Resistance Army

*Populations in the Central African Republic and the Democratic Republic of the Congo remain 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 Lord's Resistance Army (LRA) has perpetrated crimes against humanity across central Africa. No attacks have been reported in Uganda since 2006 or in South Sudan since 2011, but the group remains an active threat to civilians in the DRC and Central African Republic (CAR). The Resolve recently utilized satellite imagery to demonstrate that the LRA had established camps within the Kafia Kingi enclave in Sudan with Sudanese support from 2009 through March 2013.

Although its numbers are estimated at fewer than 300 combatants, the LRA remains a serious concern for populations as it operates across remote regions that lack a significant presence of security personnel. According to the LRA Crisis Tracker, during 2012 the LRA conducted more than 275 attacks, resulting in at least 50 civilian fatalities, 500 abductions and 5,500 people displaced. OCHA reported that between 1 January and 31 March 2013 the LRA carried out 66 attacks, resulting in 30 deaths and 87 abductions. According to OCHA, 30 of these attacks occurred in the DRC during March, marking the largest spike in LRA activity since January 2012.

The LRA has previously committed mass atrocities, deliberately maiming civilians and abducting children. Over the last year, however, the LRA has shown a trend of looting remote villages and committing short-term abductions of civilians to help transport goods. On 21 March it was reported that LRA combatants released 28 women and children, several of whom had been with the group for ten years.

### ANALYSIS

While the LRA is committing fewer atrocities than in the past, the group still poses a threat to populations. The lack of early warning capabilities undermines attempts to protect civilians in such a vast region since the LRA can attack and flee before local authorities respond.

The CAR and DRC are burdened by other internal conflicts and protecting civilians from the LRA is often a low priority. The recent coup in the CAR resulted in several actors, including the United States and Uganda, suspending their anti-LRA activities since they have not recognized a new legitimate government. This leaves populations in the CAR at greater risk of attack by the LRA and may allow for the group to widen its operations.

The cross-border movement of the LRA has hampered attempts to halt its activity. The governments of Uganda and the DRC have failed to form agreements for the movement of troops across borders in pursuit of the LRA in the past, allowing combatants to maintain safe havens within the DRC. However, the DRC government's 13 February contribution of 500 troops to an AU-led Regional Task Force (RTF) opens the possibility that active cooperation will increase in the future.

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

### INTERNATIONAL RESPONSE

Over the past two years there has been unprecedented regional and international commitment to defeating the LRA. However, the UN has a limited number of peacekeepers

from MONUSCO and UNMISS stationed in LRA-affected areas. MONUSCO has previously enticed some LRA fighters to leave the group through its DDRRR program.

During February 2012 the United States deployed 100 troops to provide intelligence support to forces pursuing the LRA. Following the temporary suspension of troop activity in the CAR, on 3 April 2013 the United States announced the expansion of its Rewards for Justice program to include a \$5 million reward for the apprehension of Kony and other LRA leaders.

The AU-led Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA) launched its operational phase during March 2012. Since then, governments from all four LRA-affected countries have contributed troops towards the initiative's RTF. The UNSC issued Presidential Statements on 29 June and 19 December supporting the UN's Regional Strategy for the LRA and emphasizing the "primary responsibility of States in LRA-affected regions to protect civilians."

The ICC received reports in March that LRA combatants were receiving false messages indicating that they would be killed and tortured by the ICC if they defected. The ICC Prosecutor issued a statement on 18 March assuring LRA members that they would receive fair trials at home if they abandoned their weapons and returned.

### NECESSARY ACTION

The AU needs to ensure that troops deployed under the RTF receive adequate training in mass atrocity prevention and IHL. The UN and AU need to ensure that the UN Regional Strategy is fully implemented and heed the recommendations in the December 2012 joint civil society report, "Getting Back on Track: Implementing the UN Regional Strategy on the Lord's Resistance Army." This is of particular importance with regard to the protection of civilians, the expansion of DDRRR efforts and the development of stronger institutions for the rule of law and human rights in LRA-affected countries.

The UN, AU and donors should ensure that all elements of the RCI-LRA are adequately resourced in order to fulfill their mandate. Anti-LRA initiatives in the CAR need to be reinstated as soon as possible. Sudan must cease support for the LRA and work with the AU to apprehend members of the group.

### MORE INFORMATION

- » [ICC Situation Page: LRA](#)
- » [LRA Crisis Tracker](#)
- » ["Getting Back on Track: Implementing the UN Regional Strategy on the Lord's Resistance Army,"](#) 5 December 2012
- » [GCR2P Populations at Risk: Central Africa \(LRA\)](#)



## GUINEA

*Ongoing political instability leaves Guinea's population at increased risk of political and ethnic violence and possible mass atrocity crimes.*

### BACKGROUND

In November 2010 free and fair presidential elections resulted in Guinea's first civilian government in five decades. However, the transition to civilian rule has been undermined by the constant delay of legislative elections originally scheduled for 2011. Since 2011 these elections have been postponed at least three times. During April 2013 the government once again unilaterally postponed the elections until 30 June.

The postponement and a lack of dialogue between the government and opposition parties have resulted in violent street protests. Such violence deepens hostility between Guinea's main ethnic groups, particularly the Malinke and Peuhl, whose members are predominately affiliated with the government and opposition, respectively. Violence between security forces and opposition supporters during protests has already resulted in at least 15 people killed and more than 300 wounded.

On 24 April a joint declaration was signed by the government and opposition aimed at resolving differences through peaceful means and avoiding politically motivated violence. However, the government and opposition remain divided on key election-related issues.

A resolution to the current impasse is particularly important given the country's history of political instability and grave human rights abuses. In September 2009 government forces opened fire on a peaceful protest in a Conakry stadium while also committing widespread rape and sexual violence, resulting in over 150 civilian deaths and 1,200 injuries. Both the ICC and a UN International Commission of Inquiry described these acts as crimes against humanity.

At the time of the 2010 presidential elections, individuals and their property were attacked on the basis of perceived

ethnicity and political support during clashes between the security forces and rival groups of Malinke and Peuhl protestors.

### ANALYSIS

The upcoming election, or its further postponement, could significantly deepen ethnic and political fractures in the country. The situation is compounded by high rates of youth unemployment, a history of state violence and the manipulation of ethnic identities to serve political interests. Notwithstanding some positive initiatives undertaken by the government, such as the recent joint declaration, the threat of further violence is high.

Unilateral actions by the government, including the election postponement, undermine the possibility of a peaceful and inclusive democratic process. The security forces continue to use excessive force to suppress street protests.

The government of Guinea is struggling to uphold its Responsibility to Protect and requires the assistance of ECOWAS, the UN Office for West Africa and other international partners.

### INTERNATIONAL RESPONSE

UN Special Representative for West Africa, Said Djinnit, visited Conakry during April to encourage dialogue between the government and opposition.

Following two letters of request from the Guinean government in October 2010 and January 2011, Guinea was placed on the agenda of the UN Peacebuilding Commission (PBC). On 6 March 2013, following recent violence, the PBC called upon all parties to exercise restraint. The PBC also offered its support in the preparation of elections.

In response to the March violence, the AU expressed deep concern about the situation and "strongly urged all stakeholders to remain calm and engage in genuine dialogue."

On 24 April UN Secretary-General Ban Ki-moon welcomed the signing of the joint declaration. Five days later the UNSC issued a Press Statement on Guinea condemning violent incidents and urging all parties "to exercise restraint and to uphold the joint declaration of non-violence."

### NECESSARY ACTION

The government must take further steps to hold the perpetrators of the 2009 massacre accountable. The government must respect the right to protest peacefully. Security sector reform must be rigorously implemented and include a strong human rights training component.

To ensure a peaceful election, the government must engage in genuine dialogue with the opposition, particularly regarding issues surrounding the Independent National Electoral Commission and voter registry. Government and

opposition leaders should call upon their supporters to demonstrate peacefully.

The government should work with the PBC to bridge the political and ethnic divide in the country. Those who incite and carry out violence on the grounds of ethnicity or political affiliation must be held accountable.

It is crucial that international actors remain engaged with the government and opposition in Guinea and provide necessary assistance as the country attempts to complete a full transition to civilian rule.

#### MORE INFORMATION

- » [UNSC Press Statement on Guinea](#), 29 April 2013
- » [GCR2P Populations at Risk: Guinea](#)

## ACCOUNTABILITY WATCH

### Bosnia and Herzegovina:

The International Criminal Tribunal for the former Yugoslavia sentenced Mićo Stanišić and Stojan Župljanin, two senior Bosnian Serb officials, on 27 March for crimes against humanity and war crimes committed between April and December 1992. On 29 March a Bosnian war crimes court sentenced Veselin Vlahović for war crimes committed during the 1992-1995 conflict. The court found Vlahović guilty of atrocities committed against Bosnian Muslim and Croat civilians.

### Guatemala:

The trial of former military leader Efraín Ríos Montt and his intelligence chief, Jose Mauricio Rodríguez Sánchez, on charges of genocide and crimes against humanity, started on 19 March. Ríos Montt was accused of commanding troops that killed 1,771 people in the Mayan-Ixil region between 1982 and 1983 as part of the country's civil war. During a 10-day suspension of the proceedings, the UN Special Adviser on the Prevention of Genocide, Adama Dieng, issued a statement on 23 April calling for the completion of the trial, arguing that "justice delayed is justice denied." The trial resumed on 30 April. On 10 May Ríos Montt was found guilty of committing crimes against humanity and genocide while Rodríguez Sánchez was acquitted of both charges. Judge Yasmín Barrios sentenced Ríos Montt to 80 years in prison.

### Kenya:

President Uhuru Kenyatta, Vice President William Ruto and Joshua Arap Sang are scheduled to appear at the ICC for contributing to the commission of crimes against humanity during the 2007/8 post-election period in Kenya. On 27 April Judge Christine van den Wyngaert withdrew from hearing the ICC's Kenyan cases, questioning the conduct of the prosecution in the case against Kenyatta. Despite this, a majority decision of the Trial Chamber agreed that his trial will proceed on 9 July. On 6 May the ICC postponed the start date of current Vice President Ruto's trial, citing administrative issues.

### Libya:

The ICC and the government of Libya continue to discuss the proper venue for the trial of Saif al-Islam al-Qaddafi and Abdullah al-Senussi, who were charged in 2011 with perpetrating crimes against humanity. The Libyan government filed an admissibility challenge in the case of al-Senussi on 2 April and ICC Judges are currently assessing whether the Libyan judicial system can conduct the trial. On 8 May ICC Prosecutor Fatou Bensouda briefed the UNSC, stressing that domestic trials for alleged perpetrators of crimes committed during the 2011 uprising can be Libya's "Nuremberg moment ... that will endeavor to seal the primacy of the rule of law, due process and human rights for future generations."



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