

# 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 an atrocity prevention lens to the following situations of concern:

### CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

### IMMINENT RISK

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

### SERIOUS CONCERN

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

## R2P Monitor:

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

Afghanistan {p. 2}

Cameroon {p. 3}

Central Sahel {p. 5}

China {p. 6}

DRC {p. 8}

Ethiopia {p. 10}

Israel and the OPT {p. 11}

Myanmar (Burma) {p. 13}

Syria {p. 14}

Venezuela {p. 16}

Yemen {p. 17}

Sudan {p. 19}

CAR {p. 20}

Mozambique {p. 21}

Nigeria {p. 22}

South Sudan {p. 24}

\*Updates for DPRK and Eritrea are available on our website.

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

## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



More than 3,750 civilians killed or maimed from 1 May to 15 August

## AFGHANISTAN

*Populations in Afghanistan remain at risk of further mass atrocity crimes under Taliban rule. Other armed extremist groups also threaten civilians.*

### BACKGROUND

Following a military offensive launched across the country by the Taliban in May 2021 – during which they perpetrated acts that may amount to war crimes and crimes against humanity – on 15 August Taliban forces entered Kabul, effectively overthrowing the Afghan government. According to the UN Assistance Mission in Afghanistan (UNAMA) and the Office of the UN High Commissioner for Human Rights (OHCHR), more than 3,750 civilians were killed or maimed between 1 May and 15 August in Taliban attacks and retaliatory airstrikes by the former Afghan government. Civilians in areas forcibly captured by the Taliban faced summary executions, looting and burning of homes and enforced disappearances. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 546,000 Afghans were newly displaced during the offensive.

Since 15 August vulnerable populations, including former civil servants, journalists, human rights defenders, religious minorities and women and girls, have faced targeted attacks and repression by the Taliban. OHCHR and UNAMA have reported reprisal killings of former Afghan security personnel, arbitrary detention and arrests of officials who worked for previous Afghan government administrations, as well as harassment and intimidation of UN national staff in Afghanistan. According to Human Rights Watch, Taliban officials have forcibly displaced residents in several provinces, including Shia Hazara and people associated with the former government, as a form of collective punishment. Reports also indicate a pattern of grave human rights violations against women and girls as previously experienced under Taliban rule, including forced marriage as

well as restrictions on freedom of movement, employment opportunities and access to education.

Attacks and bombings by non-state armed groups, such as the so-called Islamic State of Iraq and the Levant-Khorasan (ISIL-K), have also increased since the Taliban takeover. On 26 August ISIL-K coordinated a suicide attack outside Kabul airport as Afghans attempted to flee the country, killing at least 170 civilians and 13 United States (US) troops. ISIL-K also carried out a series of attacks in October targeting the Shia minority, particularly the Hazara, including bombings at Shia mosques in Kunduz, Kabul and Kandahar that killed more than 90 civilians.

When the Taliban were overthrown in 2001 by a North Atlantic Treaty Organization coalition of military forces, they conducted a prolonged insurgency against the internationally recognized Afghan government. During two decades of war, the Taliban perpetrated likely crimes against humanity and war crimes. Meanwhile, Afghan security forces, members of the US military and Central Intelligence Agency (CIA) may have also committed war crimes, including the torture of detainees and summary executions. From 2009–2019 UNAMA recorded more than 10,000 civilian casualties per year. After the start of intra-Afghan negotiations in September 2020, the Taliban escalated their military campaign against the Afghan government and civilian casualties increased by 50 percent.

### ANALYSIS

Despite assurances from the Taliban, the threat of further war crimes and crimes against humanity has dramatically escalated since their takeover. Vulnerable populations, including women and girls, minorities, journalists, civil servants, those affiliated with the former Afghan government, and anyone who previously worked for or with foreign governments, are at high risk of retaliatory attacks. Religious institutions have been increasingly targeted by ISIL-K since August, heightening atrocity risks faced by minorities, particularly the Hazara.

When the Taliban last ruled Afghanistan from 1996–2001 populations suffered widespread human rights abuses, with women and minorities facing systematic persecution. Since then, Afghan civilians have endured a seemingly endless cycle of war crimes and crimes against humanity.

All parties to the conflict must honor their obligations under international law and uphold their responsibility to protect the people of Afghanistan.

### INTERNATIONAL RESPONSE

Since 2011 the UN Security Council (UNSC) has imposed an arms embargo and sanctions on individuals or entities who support the Taliban and its affiliates. Since May 2021 the UNSC has held several special sessions and issued two Press Statements on the Taliban takeover. On 30 August the UNSC adopted

Resolution 2593, calling for safe passage of those wishing to leave, unhindered humanitarian access and respect for human rights, particularly of women and girls.

On 24 August the UN Human Rights Council (HRC) adopted a resolution on Afghanistan during an emergency special session, but failed to establish a proposed investigative mechanism. On 7 October the HRC appointed a Special Rapporteur to monitor and report on the situation of human rights in Afghanistan.

On 5 March 2020 the Appeals Chamber of the International Criminal Court (ICC) authorized the Office of the Prosecutor (OTP) to investigate alleged atrocity crimes perpetrated in Afghanistan by all parties since 1 July 2002. Although the OTP had paused its investigations on 26 March 2020 following a request from the Afghan government to conduct investigations nationally, on 27 September 2021 Chief Prosecutor Karim Khan requested authorization to resume the investigation into the situation due to the Taliban's takeover. Chief Prosecutor Khan also announced the decision to focus on crimes allegedly perpetrated by the Taliban and ISIL-K, and to de-prioritize other aspects of the investigation, including likely war crimes and crimes against humanity committed by Afghan national security forces, US forces and the CIA.

## NECESSARY ACTION

The Taliban and all international actors engaging with their representatives must ensure respect for international law as well as the promotion and protection of human rights for all Afghans. Recognition of a new government in Afghanistan as well as acceptance of the Taliban's UN credentials must be contingent upon respect for human rights, severance of all terrorism ties and adherence to Afghanistan's international treaty obligations.

The Taliban must cooperate with and facilitate access for the UN Special Rapporteur and any other human rights monitoring mechanisms, as well as ensure the safety of all humanitarian workers and organizations. The UNSC and HRC must act to safeguard the human rights and humanitarian needs of the Afghan people, including preserving the vital work of UNAMA. All governments, including those in the region, should continue to take every necessary step to ensure safe passage out of Afghanistan for civilians at risk of being targeted by the Taliban, including by welcoming asylum seekers.

The international community should continue to pursue international justice for war crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. The OTP should reconsider its decision to exclude likely atrocity crimes perpetrated by Afghan national security forces, US forces and the CIA from its investigations.



775,000+ people displaced by conflict in the north-west and south-west regions

## CAMEROON

*Civilians in the Anglophone regions of Cameroon continue to face atrocity crimes due to widespread violence between government forces and armed separatists.*

### BACKGROUND

In 2016 English-speaking lawyers, students and teachers in Cameroon began protesting against their cultural marginalization by the Francophone-dominated government, leading to a violent crackdown by security forces. In October 2017 Anglophone separatists proclaimed independence and declared a new state of "Ambazonia" in the north-west and south-west regions of Cameroon. Since then, armed separatists and Cameroonian security forces have continued to clash, resulting in widespread abuses against the civilian population by both sides to the conflict.

Security forces have perpetrated extrajudicial killings, burned Anglophone villages and subjected individuals with alleged separatist ties to torture and ill-treatment. Security forces have also been accused of widespread sexual and gender-based violence. Armed separatists have also perpetrated abuses, including kidnapping and killing civilians. Since 2016 more than 4,000 civilians and hundreds of members of the security forces have been killed in the Anglophone regions. Separatists have banned government education and frequently attack schools and teachers, resulting in 80 percent of schools in the two regions being closed or destroyed and at least 700,000 children denied an education.

The security situation has further deteriorated since the beginning of 2021 due to increased fighting between government forces and armed separatist groups. Approximately 30 percent of health facilities are unable to operate, with at least 29 reported attacks on facilities in the north-west and south-west regions between January-June 2021. A significant increase in targeted attacks on humanitarian workers over the past year has also restricted the delivery of vital aid. Meanwhile, the use of improvised explosive devices (IEDs) and kidnappings have increased. In the first five months of 2021, separatists carried

out at least 27 IED attacks in 13 towns, more than in all previous years of the crisis combined.

Limited attempts have been made to find a solution to the conflict. During June 2019 Switzerland mediated peace talks which were followed by a national dialogue organized by President Paul Biya that October. In February 2021 Cardinal Pietro Parolin, Secretary of State of the Vatican, visited Cameroon and announced the readiness of the Catholic Church to facilitate a dialogue between the government and separatist groups. During October Cameroon's prime minister, Joseph Dion Ngute, visited the Anglophone regions to call for peace but added that those who refuse to lay down their weapons will be killed.

With more than 200 different ethnic communities living in Cameroon, there is a history of inter-communal tensions in some parts of the country. In the Far North region, violent clashes broke out between Shao Arab cattle herders and Mousgoum fishermen in Kousseri on 10 August. The ensuing clashes killed more than 45 people and displaced 23,500. In the north-west, tensions between the Muslim Mbororo/Fulani herders and Christian farming communities, particularly in the Bamenda Grassfields area, have led to violent clashes. Armed separatist groups have also perpetrated attacks on Fulani communities, forcing 12,000 people to flee and killing 250 since 2016. Fulani vigilante committees, established in response to these attacks, have allegedly collaborated with the government's military operations against Anglophone separatists.

OCHA estimates that at least 712,800 people have been internally displaced by violence in the north-west and south-west regions, while more than 67,500 have fled to Nigeria. According to OCHA, 1.1 million people are severely food insecure.

## ANALYSIS

The targeting of individuals based upon their cultural identity poses a direct threat to Anglophone and Francophone civilians and may amount to war crimes and crimes against humanity. The government continues to deny the severity of the crisis and has failed to address the root causes of the conflict or provide a political means for resolving it. The increasing use of heavy weaponry, including IEDs and anti-tank rocket launchers, demonstrates a dangerous tactical shift in the conflict and capacity of armed separatist groups to perpetrate atrocities.

The Anglophone and Francophone areas of Cameroon have been unified since 1961, but there have been long-term disputes over the extent to which access to government resources is controlled by the French-speaking majority. Although the Anglophone minority constitutes 20 percent of the population of Cameroon, they are a majority in the north-west and south-west. What began as a political dispute in the Anglophone regions is now a complex armed conflict and a major humanitarian crisis.

The government of Cameroon is failing to uphold its responsibility to protect and requires international assistance to mediate and end the armed conflict.

## INTERNATIONAL RESPONSE

Despite the government's failure to protect populations from violations and abuses of human rights, or to hold security forces accountable for extrajudicial killings, during October 2021 Cameroon was re-elected to the HRC for the 2022-2024 term.

On 13 May 2019 the UNSC held an Arria Formula meeting on the crisis in Cameroon, its first and only meeting on the situation.

The UN's Special Representatives on Children and Armed Conflict, Sexual Violence in Conflict, and Violence Against Children, as well as the Special Adviser on the Prevention of Genocide, issued a joint statement on 21 February 2020 deploring human rights abuses in the south-west and north-west regions.

On 1 January 2021 the US Senate adopted Resolution 684, calling on the government of Cameroon and armed separatist groups to end all violence, respect human rights and pursue an inclusive dialogue to help resolve the conflict in the Anglophone regions.

On 25 November the European Parliament adopted a resolution on the situation in Cameroon, condemning human rights abuses and violations of International Humanitarian Law (IHL) and urging the parties to the conflict to agree on a humanitarian ceasefire.

## NECESSARY ACTION

Security forces must end all extrajudicial killings of unarmed civilians and ensure that the human rights of all Cameroonians are equally protected, regardless of cultural identity. Security forces implicated in violations of IHL and International Human Rights Law (IHRL) should be investigated and held accountable. Armed separatist groups must also halt attacks on civilians and civilian infrastructure.

In order to work towards a negotiated solution to the crisis in the Anglophone regions, the government should hold an inclusive dialogue mediated by a neutral player on neutral territory.

The government of Cameroon should grant OHCHR immediate and unfettered access to the north-west and south-west regions to investigate potential violations and abuses of IHRL. Foreign governments and regional organizations should suspend all military assistance to Cameroon until its security forces have made demonstrable progress towards upholding the human rights of all Cameroonians. The African Union (AU) and Economic Community of Central African States should work with the government to prevent any further deterioration of the armed conflict. The UNSC should add Cameroon to its formal agenda.



More than 1,500 civilians have been killed in Burkina Faso, Mali and Niger during 2021

## CENTRAL SAHEL

*Populations in the Central Sahel – Burkina Faso, Mali and Niger – face atrocity crimes as a result of attacks by Islamist armed groups and security forces, as well as growing conflict between ethnic militias and community "self-defense groups."*

### BACKGROUND

Violence and instability have been endemic in Mali since 2012 when Tuareg separatists and Islamist armed groups seized territory in the north following a military coup. Despite the presence of international forces, including a UN peacekeeping mission (MINUSMA), the conflict in Mali has shifted from a separatist rebellion into inter-communal and extremist violence. Since Islamist armed groups expanded their activities from northern to central Mali during 2015, violence has spilled into neighboring Burkina Faso and Niger, as well as parts of southern Mali. More than 1,500 civilians have been killed across the Central Sahel during 2021.

The porous tri-border area and absence of state authority have enabled the expansion of groups linked to al-Qaeda and the so-called Islamic State of Iraq and the Levant (ISIL). These groups have blockaded villages, isolating some areas under their control and enforcing repressive policies based upon their interpretation of Islam. According to Reuters, Islamist armed groups have killed or abducted at least 300 community and religious leaders, state officials and their family members in the tri-border area since 2018.

The UN's Commission of Inquiry (CoI) on Mali has reported that between 2012–2018 Islamist armed groups committed crimes against humanity and war crimes, including murder, torture, recruitment of children, maiming, rape and sexual violence, as well as attacks against humanitarian workers and MINUSMA. Such groups routinely attack and loot civilian infrastructure, including places of worship, schools and health centers. Armed groups have targeted secular state education across the region, burning schools and threatening, abducting or killing teachers. More than 4,200 schools in the Central Sahel remain

closed due to insecurity. Armed groups have also used landmines and IEDs, indiscriminately killing and maiming more than 450 civilians in Burkina Faso and Mali during 2020. One hundred and forty-five MINUSMA peacekeepers have been killed since July 2013, including 12 this year.

Attacks by Islamist armed groups against civilians in the Central Sahel have become more frequent during 2021. In the volatile Tillabéri and Tahoua regions of western Niger, more than 600 civilians have been killed this year, over five times more than in 2020. In November 69 people from a community "self-defense group" were killed by a suspected Islamist armed group in Tillabéri region. In northern Burkina Faso, alleged child soldiers affiliated with the so-called Group for the Support of Islam and Muslims perpetrated the deadliest attack in the country since 2015, killing over 130 people in Solhan, Yagha Province, on 5 June.

Violence between rival ethnic militias and self-defense groups is also rising across the Central Sahel and has become one of the deadliest forms of violence. In Mali, violence has taken place between Dozos – traditional hunters mainly from the Dogon ethnic community – and ethnic Bambara fighters against members of the predominantly Muslim Fulani community, as well as within the Dogon community. One Dogon armed group, Dan Na Ambassagou, has carried out attacks and abductions of civilians from Dogon villages who participated in reconciliation efforts or did not contribute to the group's "war efforts."

Some counterterrorism operations by Sahelian security forces, the G5 Sahel Joint Force (FC-G5S) and Operation Barkhane – France's regional force – have led to grave human rights violations and abuses against populations. The CoI has alleged that the Malian security forces have committed war crimes, including targeted killings, rape and torture, while Niger's National Human Rights Commission has implicated Nigerien forces in grave abuses against civilians.

The Central Sahel is one of the fastest growing displacement crises in the world with approximately 2.1 million people internally displaced, including more than 1.4 million in Burkina Faso alone. A record 14.4 million people need humanitarian assistance.

### ANALYSIS

Militias, self-defense groups and security forces continue to target populations on the basis of their ethnic and/or religious identity. Islamist armed groups are also increasingly targeting people's livelihoods, destroying crops and food reserves and blockading villages, exacerbating humanitarian needs. The increased targeting of civilians in Niger during 2021 is primarily in response to communities creating self-defense groups and increasingly resisting the punitive collection of "zakat" or alms, which Islamist armed groups use as a pretext for extortion and cattle theft.

Historically, the Dogon, Bambara and Fulani communities have clashed over land, water and grazing rights. However, weak state institutions, porous borders, a climate crisis and arms proliferation have exacerbated conflict. These conditions have



also been exploited by Islamist armed groups who have targeted young Fulani men for recruitment.

Impunity for human rights violations and abuses undermines confidence in state authority, heightens inter-communal tensions and fuels cycles of violence and recruitment into armed groups.

Despite international military support, Sahelian security forces have been unable to adequately protect civilians. The proliferation of ethnic militias and self-defense groups is due in part to the inability of states to effectively protect their populations, which has fueled further violence and heightened grievances along ethnic lines.

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

## INTERNATIONAL RESPONSE

In January 2013, following a referral by the government of Mali, the ICC launched an investigation into alleged crimes committed since January 2012.

The UNSC subjects eight individuals in Mali to targeted sanctions for obstructing the peace process and violating human rights, including recruiting child soldiers and attacking UN personnel. On 29 June 2021 the UNSC renewed MINUSMA's mandate for an additional year. From 23–25 October the UNSC conducted a visiting mission to Mali and Niger.

In June 2020 the International Coalition for the Sahel was launched to coordinate efforts led by the FC-G5S and its partners. Operation Barkhane is scheduled to be drawn down by early 2022 with a reconfiguration of French forces into Task Force Takuba – a counterterrorism force composed of European special forces.

Mali remains suspended from the AU and Economic Community of West African States (ECOWAS) following a coup on 24 May 2021. On 7 November ECOWAS imposed sanctions on members of the National Transitional Council.

On 13 September the UN High Commissioner for Human Rights, Michelle Bachelet, expressed concern at the deteriorating human rights situation in Mali. On 6 October OHCHR and the government of Burkina Faso agreed to open a country office to promote and protect human rights in the country. On 28 November High Commissioner Bachelet traveled to Burkina Faso and Niger for a seven-day official mission.

On 12 November the UN Office for West Africa and the Sahel (UNOWAS) and the Nigerien government launched an initiative to strengthen social cohesion and national dialogue, particularly focused on the tri-border area.

## NECESSARY ACTION

While countering violent extremism remains crucial in the Central Sahel, it is essential that all three governments

and international forces establish civilian harm mitigation mechanisms and ensure that their efforts do not further exacerbate inter-communal tensions and fuel distrust of state authority. The FC-G5S must fully implement its Human Rights and IHL Compliance Framework, as well as finalize its Civilian Protection Strategy.

Additional measures must be implemented to end the proliferation of arms, militias and self-defense groups and improve land management and local governance. Disarmament, demobilization and reintegration efforts, as well as support for local reconciliation initiatives, need to be focused on areas where atrocity risks are greatest.

The governments of the Central Sahel, with the support of MINUSMA, OHCHR and UNOWAS, should investigate all violations and abuses of IHL and IHRL. The governments of Burkina Faso, Mali and Niger should establish a special entity to investigate and prosecute international crimes.



Approximately 1 million Uyghurs and other majority-Muslim ethnic groups are currently being detained in “re-education” or “de-extremification” facilities

## CHINA

*The systematic persecution of Uyghurs and other majority-Muslim ethnic groups in China may amount to crimes against humanity and genocide.*

### BACKGROUND

Under the guise of combatting religious extremism and terrorism, in recent years the government of China and authorities in the northern Xinjiang Uyghur Autonomous Region (XUAR) have increased their persecution of members of the ethnic Uyghur (or Uighur) community, as well as Kazakhs, Kyrgyz and other majority-Muslim ethnic groups. China's policies include large-scale arbitrary detention, severe restrictions on religious practice and repressive population control policies.

An estimated 1 million Uyghurs and members of other majority-Muslim ethnic groups have been detained in “re-education” or “de-extremification” facilities without formal charges or

due process. According to the Australian Strategic Policy Institute (ASPI), more than 380 suspected detention facilities in XUAR have been built or expanded since 2017. The BBC and other outlets have reported on widespread rape, sexual abuse and torture of ethnic minorities in detention facilities. During October an exiled Chinese police officer-turned-whistleblower shared rare details about the “systematic campaign of torture” that police officers and guards inflict on detainees, including men, women and children as young as 14. Meanwhile, an estimated 250,000 children under the age of 15 in XUAR have lost at least one parent to detention, with hundreds of thousands of children placed in state-run orphanages or boarding schools.

Approximately 100,000 Uyghurs are also working under conditions that strongly suggest forced labor, with many transferred from detention camps to factories. Other reports have identified 135 detention facilities in Xinjiang that have on-site factories where detainees are reportedly forced to work. The factories are part of supply chains that allegedly provide goods for 82 global brands. According to the Center for Global Policy, hundreds of thousands of Uyghurs and other minorities are also forced to work in Xinjiang’s cotton sector, which produces 20 percent of the world’s cotton. The Helena Kennedy Centre for International Justice reported that over 100 international brands may be tied to Uyghur forced-labor-produced cotton. According to the Coalition to End Forced Labour in the Uyghur Region, 45 percent of the world’s polysilicon also comes from XUAR, supplying the global solar panel industry. Nearly the entire industry is implicated in Uyghur forced labor.

The Chinese government is also conducting a coercive campaign to reduce birth rates among Uyghurs and other majority-Muslim populations in XUAR. The campaign reportedly includes forced abortions and sterilizations. Chinese government statistics reveal that the birthrate in XUAR for 2020 was only 8.14 per 1,000 people, nearly half the figure from 2017.

Chinese authorities have engaged in the systematic destruction of Uyghur cultural heritage, including by demolishing shrines, cemeteries and pilgrimage sites. As a result, 16,000 mosques have been destroyed or damaged in XUAR since around 2017.

These measures have been imposed in conjunction with increased restrictions on religious practice. In March 2017 XUAR authorities passed the “Regulation on De-extremification,” which prohibits a range of “extreme” behaviors, such as “abnormal” beards. According to the Uyghur Human Rights Project, 1,046 imams and other religious figures from XUAR have been detained in camps or imprisoned since 2014.

## ANALYSIS

China has perpetrated a repressive campaign against Uyghurs and other majority-Muslim ethnic groups in the region for several decades, but abuses have significantly escalated since 2017. Leaked government documents reveal that the crackdown in XUAR was a result of pressure from senior officials, including President Xi Jinping. The Communist Party Secretary of XUAR,

Chen Quanguo, subsequently intensified Uyghur persecution and expanded the detention camps.

Under customary international law and the Rome Statute of the ICC, the widespread or systematic persecution of Uyghurs and other majority-Muslim ethnic groups on religious, cultural, ethnic and gender grounds; the large-scale detention program; torture of detainees; forced sterilization and sexual violence; and denial of information regarding the fate of persons in state custody could constitute crimes against humanity.

The Chinese government also appears to be intentionally perpetrating at least four acts prohibited under Article II of the Genocide Convention: “imposing measures intended to prevent births” within a targeted group; “causing serious bodily or mental harm to members of the group;” “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;” and “forcibly transferring children of the group to another group.”

The government of China is failing to uphold its responsibility to protect and is perpetrating possible crimes against humanity and genocide against Uyghurs and other majority-Muslim ethnic groups.

## INTERNATIONAL RESPONSE

The UN High Commissioner for Human Rights, Michelle Bachelet, has requested unfettered access to XUAR for nearly three years, but the Chinese government has not granted a visit.

On 21 October the government of France delivered a statement on behalf of 43 countries on the human rights situation in Xinjiang at the UN General Assembly’s (UNGA) Third Committee. The statement urged China to end the arbitrary detention of Uyghurs and other Muslims and allow independent observers immediate access to Xinjiang. This was the third consecutive year that such a statement was delivered, but the first with signatories from all five UN regional groups.

On 19 January the US formally accused China of committing genocide and crimes against humanity against the Uyghur population and members of other majority-Muslim ethnic groups. Since then, the parliaments of Belgium, Canada, Czech Republic, Lithuania, the Netherlands and the United Kingdom (UK) have also recognized the situation in Xinjiang as constituting genocide and/or crimes against humanity. Citing the human rights crisis, a number of parliaments have also called for a boycott of the 2022 Olympic games in Beijing.

On 12 January Canada and the UK announced measures to prohibit products that profit from Uyghur forced labor from entering their countries. The US government has also banned the importation of products from Xinjiang for utilizing forced labor, including cotton and tomato products, as well as XUAR-based producers of polysilicon. On 13 July the US issued a Xinjiang Supply Chain Business Advisory, warning businesses and individuals to exit supply chains, ventures and/or investments

connected to Xinjiang. The governments of Canada, UK and US, as well as the European Union (EU), have also imposed sanctions against officials in China over human rights abuses in XUAR.

On 8 July the UK Parliament Foreign Affairs Committee published a report on atrocities in Xinjiang that cited evidence from experts, including the Global Centre for the Responsibility to Protect, and provided wide-ranging recommendations for the UK government to help end abuses in Xinjiang.

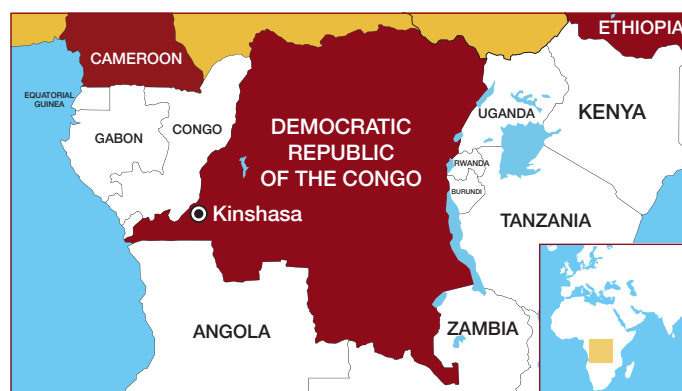
In the absence of formal legal measures, the London-based Uyghur Tribunal, an independent people's tribunal, has been investigating allegations of mass atrocities in XUAR. Three rounds of hearings were held in June, September and November 2021. The Tribunal will issue its ruling on 9 December.

### NECESSARY ACTION

The government of China should release all persons being arbitrarily detained in “re-education camps” and related facilities, stop the practice of forcibly preventing births and separating Uyghur children from their families, cease the deliberate destruction of Uyghur cultural heritage, and repeal the “Regulation on De-extremification.” Chinese authorities should grant High Commissioner Bachelet immediate and unfettered access to Xinjiang.

The HRC should mandate a Special Rapporteur on the situation of human rights in China or a Fact-Finding Mission (FFM) to investigate systematic human rights violations in XUAR.

Recognizing the important influence they may have, the Organization of Islamic Cooperation, Muslim-majority countries and neighboring states should urge China to respect the rights of minorities and cease their persecution of Uyghurs. All UN member states should ban goods produced with forced labor of Uyghurs and other ethnic groups in China.



5 million+ people  
internally displaced

At least 120 armed  
groups still operating  
in eastern DRC

## DEMOCRATIC REPUBLIC OF THE CONGO

*Various armed groups in the Democratic Republic of the Congo continue to perpetrate crimes against humanity, resulting in the largest displacement crisis in Africa.*

### BACKGROUND

Attacks by armed groups and recurring inter-communal violence continue to threaten populations in the eastern provinces of the Democratic Republic of the Congo (DRC). Despite military offensives conducted by the government's armed forces (FARDC), with assistance from the UN peacekeeping mission in the DRC (MONUSCO), violence continues to escalate. More than 120 militias and armed groups are active in eastern DRC.

According to the UN Joint Human Rights Office (UNJHRO) in the DRC, during 2020 an estimated 2,487 civilians were killed by armed groups in North Kivu, South Kivu, Tanganyika and Ituri provinces. The UN has recorded an additional 1,043 civilians, including 233 women and 52 children, killed in the first nine months of 2021. The majority of victims were in Ituri and North Kivu, where inter-communal violence, as well as fighting between the FARDC and various militias, has escalated. According to the UN Refugee Agency (UNHCR), over 5 million Congolese are currently internally displaced, including an estimated 3 million children, while more than 942,000 refugees have fled to neighboring countries, making this the largest displacement crisis in Africa. The World Food Programme and UN Food and Agriculture Organization estimate that 27.3 million people are critically hungry.

In North Kivu attacks by the Allied Democratic Forces (ADF) armed group, which has been perpetrating atrocities in the Beni region for more than six years, escalated after the FARDC launched an offensive in October 2019. Since then, the ADF has carried out retaliatory violence against villages near Beni, killing nearly 850 civilians and kidnapping 534 during 2020. UNJHRO reported that attacks by the ADF have been “systematic



and brutal” and may amount to crimes against humanity and war crimes. From 11-12 November suspected ADF fighters perpetrated one of the deadliest attacks in North Kivu during 2021, killing at least 38 civilians and destroying the only health center in the village of Kisunga in Beni.

Over the past year the ADF has expanded its operation into Ituri where other armed groups, particularly factions of the Cooperative for the Development of Congo (CODECO), a predominantly ethnic Lendu armed group, have also perpetrated widespread attacks on villages. Alleged CODECO fighters perpetrated a series of attacks on displacement sites in Ituri province between 19-28 November, killing more than 50 civilians and displacing at least 50,000.

On 30 April President Félix Tshisekedi announced a “state of siege” for North Kivu and Ituri provinces to increase FARDC presence and improve civilian security. Since that time, the ADF, CODECO and other armed groups have continued to perpetrate violent attacks and some state security forces have been implicated in violations that may amount to crimes against humanity and war crimes. UNJHRO recorded 528 human rights violations during September, with the majority of violations occurring in the eastern provinces.

Meanwhile, rival armed groups and militias, who are competing for control of mining areas or retaliating against recent government offensives, have perpetrated violence in Tanganyika. During the first two weeks of August UNHCR received reports of more than 243 incidents of rape across 12 villages as well as of extreme violence and the abduction of women and girls to be used as sex slaves. More than 300,000 people are currently displaced by insecurity in Tanganyika.

## ANALYSIS

For more than 20 years various armed groups have exploited the weakness of state authority to perpetrate attacks against civilians. Widespread violence in eastern DRC is indicative of the enduring challenge of building effective governance and stability. The volume of attacks by armed groups in Ituri, North Kivu and South Kivu provinces, combined with inter-communal tensions, is straining the capacity of the FARDC and MONUSCO to provide adequate protection to civilians.

Rampant impunity and competition for control of profitable minerals have enabled the proliferation of armed groups. While the FARDC has initiated offensives against various militias, groups like the ADF have a history of violent reprisals targeting civilians. The FARDC and police have also been implicated in widespread violations of IHL and IHRL, including sexual violence and arbitrarily killing civilians, while combatting armed groups.

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

## INTERNATIONAL RESPONSE

The UNSC currently subjects 13 entities and 31 individuals in the DRC to sanctions. Since 2013 the government of the DRC and neighboring states have collectively addressed the threat of armed groups through the “Peace, Security and Cooperation [PSC] Framework for the DRC and the region.”

On 18 December 2020 the UNSC extended the mandate of MONUSCO for one year. The resolution emphasized that the government “bears the primary responsibility to protect civilians within its territory and subject to its jurisdictions, including protection from crimes against humanity and war crimes.”

On 31 March the UNSC issued a Press Statement expressing concern regarding rising inter-communal violence and armed group activity in eastern DRC.

## NECESSARY ACTION

The DRC government and MONUSCO must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups.

The government should cooperate with UNJHRO and ensure all state agents responsible for extrajudicial killings, sexual violence and other human rights violations and abuses are held accountable. Recent massacres must be independently investigated and the perpetrators punished.

The government, with the support of MONUSCO, should implement measures to mediate inter-communal tensions in eastern DRC and address structural issues of land access, resource allocation and poor governance. The DRC government needs to implement a credible disarmament, demobilization, reintegration and repatriation program to encourage the ADF, CODECO and other armed groups to permanently lay down their arms.

Neighboring states should continue to uphold the PSC Framework and provide assistance in confronting armed groups.



## ETHIOPIA

*Parties to the conflict in the Tigray, Amhara and Afar regions have perpetrated possible war crimes and crimes against humanity. Populations across Ethiopia are also at risk as a result of a surge in ethnic violence.*

### BACKGROUND

On 4 November 2020, following months of political tensions, the federal government of Ethiopia launched a military offensive in the Tigray region against forces loyal to the governing Tigray People's Liberation Front (TPLF). The resulting conflict has killed thousands of people, internally displaced an estimated 2.1 million and caused over 63,000 to flee to Sudan.

Since the conflict began more than a year ago, clashes between the Ethiopian Defense Forces (ENDF) and the Tigray Defense Forces (TDF) – a TPLF-aligned armed group – continue in Tigray. Clashes have also spread into neighboring Afar and Amhara regions, displacing more than 840,000 people. Numerous cultural heritage sites, as well as camps in Tigray hosting at least 50,000 Eritrean refugees, have been destroyed and looted. On 5 August the UN Children's Fund reported the killing of at least 200 civilians, including 100 children, sheltering at a health facility and school in Afar.

On 18 October, in response to the TDF's advances, the ENDF launched an airstrike campaign on Tigray's capital, Mekelle, killing at least 13 civilians. At the end of October, TDF troops made a series of strategic territorial gains in the Amhara region and joined forces with an allied armed group, the Oromo Liberation Army (OLA), approximately 200 miles from the capital, Addis Ababa. On 2 November Ethiopian Prime Minister Abiy Ahmed declared a state of emergency and called on citizens to arm themselves as the TDF and OLA advance towards Addis Ababa. On 26 November Prime Minister Abiy went to the frontline in the Afar region to assist the ENDF.

Amidst the expansion of the conflict, there has been an alarming rise in ethnic-based hate speech and profiling, particularly

against Tigrayans. Authorities in Addis Ababa have also commenced house-to-house searches for anyone deemed "sympathetic" to the TPLF, targeting Tigrayan residents. According to OHCHR, from 9-16 November more than 1,000 Tigrayans were arrested, including dozens of UN staff and subcontractors.

Widespread violations of IHL and IHRL have been committed throughout the conflict, including indiscriminate bombings and attacks on civilians, ethnic-based killings, sexual violence, forced displacement, use of child soldiers, and the systematic destruction of food, water and healthcare systems. On 3 November OHCHR and the Ethiopian Human Rights Commission (EHRC) released a joint report, finding that all parties to the conflict – the ENDF and allied Eritrean forces, the TDF, Amhara regional forces and affiliated militias – have committed violations of international law that may amount to war crimes and crimes against humanity.

Approximately 400,000 people in Tigray are living in famine and at least 7 million in Tigray, Amhara and Afar are in urgent need of aid. Humanitarian aid convoys have routinely been blocked, attacked and looted by parties to the conflict. Twenty-three aid workers have been killed during the conflict. UN officials have asserted that access to food is being used as a weapon of war. Aid groups have reported a growing number of starvation-related deaths. On 30 September Ethiopia declared seven senior UN staff "persona non grata" for allegedly "meddling" in the country's internal affairs. During November 72 UN drivers were arrested in Afar's capital, Semera, through which aid flows into Tigray.

Ethnically motivated attacks and regional border disputes have also been on the rise elsewhere in Ethiopia. Violence in Amhara, Benishangul-Gumuz, Oromia and other regions has killed more than 1,000 people and displaced over 200,000 since September 2020. In the Amhara region, clashes between Amhara and Oromo populations in the North Shewa and Oromia Zone reportedly killed 500 people during March and April. In Oromia, regional security forces and the OLA have allegedly committed enforced disappearances and attacks on civilians, including ethnic Amharas. On 18 August the EHRC reported that at least 150 people were killed in ethnically motivated attacks by the OLA while an additional 60 were killed in subsequent reprisals.

### ANALYSIS

All parties to the conflict bear responsibility for potential war crimes and crimes against humanity. Civilians in Tigray, Amhara and Afar regions remain at risk of further atrocities due to repeated violations of IHL and IHRL. Inflammatory statements by regional and federal government leaders, including Prime Minister Abiy, may fuel further ethnic conflict.

Ethiopia's ethnic-based federalist system has resulted in widespread allegations of ethnic favoritism. Under the former TPLF-dominated ruling coalition, which controlled the government for 27 years prior to Prime Minister Abiy coming to power in 2018, many groups felt marginalized. A history of

dictatorship and impunity for past human rights abuses by security forces has also deepened distrust between ethnic groups. This history, coupled with increasing political and social polarization, could lead to further ethnically motivated violence.

The Ethiopian government has failed to uphold its responsibility to protect all populations in Ethiopia, regardless of ethnicity.

### INTERNATIONAL RESPONSE

Since November 2020 the UN, Intergovernmental Authority on Development (IGAD) and AU have condemned the violence in Tigray. The federal government has rejected multiple offers by the AU and IGAD to mediate the conflict. Both the UNSC and the AU's Peace and Security Council have called for an urgent ceasefire and an end to incitement and hate speech.

The EU has withheld 88 million euros in budgetary aid to Ethiopia due to the human rights situation in Tigray. On 17 September US President Joe Biden signed an executive order allowing the government to impose sanctions on those obstructing humanitarian aid and committing grave abuses against civilians in Tigray. The US has since imposed sanctions on Eritrean officials and entities. On 2 November the US announced that it plans to suspend Ethiopia from preferential trade status as of 1 January 2022 for gross human rights violations.

On 15 June the African Commission on Human and Peoples' Rights announced the launch of a Col on the situation in Tigray.

On 13 July the HRC adopted Resolution 47/13, mandating the UN High Commissioner for Human Rights to update the Council on reports and findings of serious human rights violations in Tigray.

On 28 August the Chairperson of the AU Commission appointed former Nigerian President Olusegun Obasanjo as High Representative for the Horn of Africa.

The UN Special Adviser on the Prevention of Genocide has released multiple statements throughout 2021, expressing alarm at the continued deterioration of ethnic violence in Tigray, Afar, Somali, Oromia and Amhara regions and has called on government officials to end the use of hate speech.

### NECESSARY ACTION

All parties to the conflict in northern Ethiopia must operate in strict adherence with IHL and ensure the protection of civilians and refugees. Parties to the conflict should agree to an immediate ceasefire with no preconditions and allow unfettered delivery of emergency aid. National dialogue is urgently needed to address the root causes of inter-communal and ethnic conflicts across the country.

Eritrean forces should immediately withdraw from Ethiopia.

The international community must support AU efforts to negotiate a ceasefire. The UNSC should impose an arms embargo and sanctions on those prolonging the conflict and committing atrocities.

All potential war crimes and crimes against humanity must be thoroughly investigated and the perpetrators held accountable, regardless of rank or affiliation through the establishment of an HRC-mandated international investigative mechanism.



At least 270 Palestinians and 12 Israelis killed from 10–21 May

## ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

*Despite a 21 May ceasefire, populations in Israel and the Occupied Palestinian Territory remain at risk of recurring war crimes and crimes against humanity.*

### BACKGROUND

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been illegally occupied by Israel since 1967. According to a July 2021 report of the UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT), Israel's 54-year occupation has been characterized by widespread human rights violations and settler violence, a two-tier legal system that subjugates Palestinians, and settlement expansion aimed at permanently altering the ethnic demographics of East Jerusalem. The report further determined that expanding Israeli settlements amounts to a war crime.

There are now close to 300 illegal settlements in Occupied East Jerusalem and the West Bank with more than 680,000 Israeli settlers. According to OCHA, at least 714 Palestinian-owned structures have been demolished or seized by Israeli government authorities since January 2021. Hundreds of Palestinians, including entire Bedouin communities, have been forcibly displaced after their land was confiscated.

Meanwhile, Israel's ongoing air, sea and land blockade of Gaza has been in place for 14 years and has inflicted collective punishment on 2 million Palestinians, facilitating a humanitarian crisis. Hamas' security forces have also committed grave abuses

against Palestinian civilians in Gaza, including arbitrary arrests, summary executions and torture.

Most recently, armed conflict intensified from 10-21 May after weeks of tensions and protests against the possible forced eviction of several Palestinian families in the Sheikh Jarrah neighborhood of Occupied East Jerusalem. Israeli authorities used excessive force while arresting protesters and carried out violent raids on the Al-Aqsa Mosque compound between 7-10 May, injuring over 1,000 Palestinians. Hamas responded by indiscriminately firing rockets into Israel, prompting retaliatory airstrikes. More than 270 Palestinians, including 66 children, were killed and 1,900 injured by Israeli airstrikes on Gaza. At least 12 people were killed and civilian property damaged by indiscriminate rockets fired towards civilian areas in Israel by Hamas and other Palestinian armed groups. Approximately 90 percent of the rockets were intercepted by Israel's "Iron Dome" defense system. A ceasefire, brokered by Egypt, was eventually reached between Israel and Hamas on 20 May.

Since the ceasefire, demonstrations against illegal Israeli settlement expansion have been ongoing throughout the OPT, including in East Jerusalem. Israeli forces have responded with live ammunition, stun grenades and arbitrary arrests. Many detainees have allegedly been subjected to torture and other ill-treatment. On 19 October the Israeli Defense Ministry issued a military order designating six Palestinian civil society organizations (CSOs) as "terrorist organizations."

## ANALYSIS

Though the fragile 21 May ceasefire was a welcome step to reduce civilian suffering from the armed confrontation, violations of international law directed against Palestinians persist. The systematic nature of human rights violations in the OPT may amount to crimes against humanity, while the collective punishment of Palestinians as a coercive measure of population control may amount to a war crime. Article 49 of the Fourth Geneva Convention also prohibits an occupying power from transferring parts of its civilian population into occupied territory, also known as "settler implantation."

A growing number of human rights organizations have concluded that the Israeli government is implementing laws, practices and policies to entrench the supremacy of its Jewish population over Palestinians, amounting to the crime of apartheid. Under the Rome Statute of the ICC, apartheid is a crime against humanity.

Impunity for cycles of violence has entrenched a system of structural oppression against Palestinians in Gaza and the Occupied West Bank. There has been no accountability for

potential war crimes committed during the 2014 Gaza war between Hamas and Israel, nor for the disproportionate and deadly use of force by Israeli soldiers in response to protests along the Gaza border during 2018-2019. Israeli airstrikes during the 10-21 May escalation appear to have deliberately ignored the principles of proportionality and distinction and may amount to war crimes under international law. Indiscriminate rockets fired by Palestinian armed groups also violated IHL.

Israel, the Hamas de-facto administration and the Palestinian Authority are all obligated to uphold their responsibility to protect.

## INTERNATIONAL RESPONSE

On 23 December 2016 the UNSC adopted a resolution reaffirming that Israeli settlements in the OPT violate international law. This was the first and only UNSC resolution adopted on Israel and the OPT since 2009. Between 10-21 May the UNSC made three attempts to condemn the latest war and call for a ceasefire, but the US blocked each effort.

Following a May 2018 referral by the Palestinian Authority, on 5 February 2021 the Pre-Trial Chamber of the ICC confirmed that the Court's jurisdiction extends to Gaza and the West Bank, including East Jerusalem. On 4 March the ICC officially opened its investigation.

On 27 May the HRC voted to establish a CoI to investigate violations of international law in the OPT and Israel and identify the root causes of recurring conflict.

## NECESSARY ACTION

The ICC should investigate all potential war crimes or crimes against humanity committed during the May conflict.

Israel must lift the blockade on Gaza, cease illegal settlement-related activity and apartheid policies and end the collective punishment of Palestinians. All parties should condemn anti-Semitic and anti-Arab hate speech and cooperate fully with the investigations of the ICC and CoI.

All parties to the Israeli-Palestinian conflict must work towards a sustainable political solution consistent with international law and various UNSC resolutions. States with strong political and economic ties to Israel, the Palestinian Authority or Hamas, should push for a lasting political solution to the conflict, accountability for potential war crimes and crimes against humanity, and the protection of human rights for all civilians in Israel and the OPT, regardless of ethnicity or religion.



At least 1,300 people have been killed and over 7,000 people remain detained since the 1 February coup

## MYANMAR (BURMA)

*Populations in Myanmar are facing crimes against humanity and war crimes perpetrated by the military following the 1 February coup.*

### BACKGROUND

On 1 February Myanmar's military – the Tatmadaw – headed by Commander-in-Chief Min Aung Hlaing, overthrew the country's civilian-led government and declared a state of emergency. Since then, hundreds of thousands of people have participated in peaceful protests and strikes against the reimposition of military rule, while numerous civilian militias known as People's Defence Forces (PDFs) have also formed as part of an armed resistance. According to the Assistance Association for Political Prisoners, at least 1,300 people have been killed by the security forces since 1 February and over 7,000 people remain detained for resisting the coup. At least 65 people have been sentenced to death by military tribunals.

On 16 April a coalition of democratic opponents to military rule formed the National Unity Government (NUG), which includes members of parliament ousted by the military – known as the Committee Representing the Pyidaungsu Hluttaw (CRPH) – as well as politicians from ethnic minority groups. The military has charged their members with high treason and pronounced that the CRPH, NUG and PDFs are terrorist organizations. On 1 August General Min Aung Hlaing declared himself prime minister and extended the state of emergency until August 2023, promising to hold general elections at that time. On 7 September the NUG announced war against the military junta, urging a nation-wide revolt.

The military has launched offensives against ethnic armed groups and PDFs in regions where armed resistance has been particularly active. Sporadic clashes have occurred in Chin, Kachin, Kayah, Kayin, Shan and other states, resulting in civilian casualties and displacement. In early October the military deployed substantial weaponry and troops to Chin State and Sagaing and Magway regions in preparation for large-scale

military offensives. On 29 October the Tatmadaw razed more than 200 buildings in Thantlang, Chin State. The Tatmadaw has reportedly used civilians as human shields while fighting PDFs and ethnic armed groups in Shan and Kayah states.

The UN High Commissioner for Human Rights, Michelle Bachelet, and Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, have indicated that abuses committed by the military since the coup may amount to crimes against humanity and war crimes. According to the UN's Independent Investigative Mechanism for Myanmar (IIMM), the "security forces have carried out a widespread and systematic attack on the civilian population," and "the reports of murders, sexual assaults, arbitrary detentions, enforced disappearances, torture and persecution collected by the Mechanism, if substantiated, would amount to crimes against humanity."

According to OCHA, 3 million people are currently in need of humanitarian assistance and approximately 234,600 have been displaced since the coup. The Tatmadaw have targeted healthcare professionals treating injured protesters and have issued hundreds of arrest warrants for doctors and nurses accused of supporting the civil disobedience movement.

Myanmar's armed forces previously ruled the country from 1962-2011, overseeing the violent repression of the democracy movement and waging war against several ethnic armed groups. Despite the beginning of a transition to civilian rule in 2011, the military retained control of crucial ministries and 25 percent of seats in parliament.

In 2018 the HRC-mandated FFM on Myanmar concluded that senior members of the military, including General Min Aung Hlaing, should be prosecuted for genocide against the Rohingya ethnic group as well as for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. In 2019 the FFM also asserted that Myanmar breached its obligations under the Genocide Convention and "continues to harbor genocidal intent" towards the Rohingya.

The majority of Myanmar's Rohingya population were forced to flee the country after the military launched "clearance operations" in Rakhine State in August 2017, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. The estimated 600,000 Rohingya who remain in Rakhine State face severe violations of their universal human rights. The 1982 Citizenship Law rendered most Rohingya stateless.

### ANALYSIS

Impunity for past atrocities has enabled the security forces to commit widespread and systematic human rights violations and abuses against civilians, particularly those from ethnic minority populations. The risk of further atrocities remains extremely high as the Tatmadaw continues to target civilians and the armed resistance in upper Myanmar.

The coup also complicates the prospects for a safe, dignified and voluntary repatriation of Rohingya refugees from Bangladesh.



Given its history, the military regime is unlikely to address the denial of citizenship for the Rohingya or accountability for past atrocities.

Myanmar's military has manifestly failed to uphold its responsibility to protect and bears responsibility for the commission of war crimes, crimes against humanity and genocide.

## INTERNATIONAL RESPONSE

The only formal response by the UNSC to the genocide against the Rohingya was the adoption of a Presidential Statement on 6 November 2017 that stressed the "primary responsibility of the Myanmar government to protect its population." The UNSC has met nine times on Myanmar since the coup and adopted six statements. No substantive action has been taken.

During September 2018 the HRC created the IIMM to "collect, consolidate, preserve and analyze evidence of the most serious international crimes and violations of international law" committed in Myanmar.

During November 2019 Pre-Trial Chamber III of the ICC authorized the Chief Prosecutor to proceed with an investigation into crimes against humanity that may have been committed against the Rohingya, resulting in their forced deportation across the Myanmar-Bangladesh border. On 11 November 2019 The Gambia filed a lawsuit at the International Court of Justice (ICJ), accusing Myanmar of violating its obligations under the Genocide Convention. On 23 January 2020 the ICJ ordered Myanmar to comply with four provisional measures.

A number of governments have imposed targeted sanctions in response to the coup, including Canada, the EU, UK and US. The EU, UK and US have also sanctioned several military-run conglomerates. The Republic of Korea restricted military exports and suspended defense exchanges. The EU also suspended development funds.

On 24 April the Association of Southeast Asian Nations (ASEAN) agreed to a "Five-Point Consensus," which includes an immediate cessation of violence. On 4 August ASEAN announced the appointment of Brunei's Second Minister of Foreign Affairs, Erywan Yusof, as its Special Envoy to Myanmar. ASEAN blocked the junta from attending the 26-28 October summit.

On 18 June the UNGA adopted a resolution calling for the immediate release of all political detainees and for all member states to prevent the flow of arms into Myanmar.

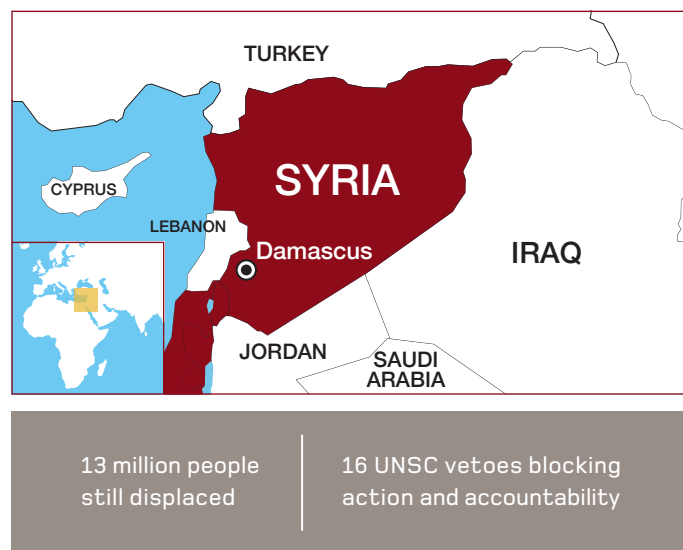
On 26 November Argentina's judiciary opened a case under the principle of universal jurisdiction against senior Myanmar officials who are responsible for the Rohingya genocide.

## NECESSARY ACTION

The UNSC should immediately impose a comprehensive arms embargo on Myanmar and refer the situation to the ICC. All UN member states and regional organizations should enforce

measures in response to the reimposition of military rule, including by imposing economic sanctions on Myanmar's oil and gas sector. The military junta should not be diplomatically recognized as the legitimate representatives of Myanmar. Foreign companies should immediately divest and sever ties with all businesses linked to Myanmar's military. The ASEAN Special Envoy and UN Special Envoy on Myanmar, Noeleen Heyzer, should promptly travel to Myanmar and engage with both the junta and the NUG.

General Min Aung Hlaing and other senior military leaders who bear responsibility for atrocity crimes should face international justice.



## SYRIA

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

## BACKGROUND

Since the armed conflict between the government and opposition groups in Syria began in 2011 at least 580,000 people have been killed. The HRC-mandated Col on Syria has reported more than 130,000 arbitrary detentions, abductions or disappearances since 2011, with the majority attributable to the Syrian government. Nearly 13 million people have been displaced – the largest number displaced by any conflict in the world – including 6.7 million Syrian refugees. An estimated 13.4 million Syrians remain in need of humanitarian assistance.

While various parties to the conflict continue to perpetrate serious violations and abuses of international law, over the past year the conflict has shifted away from large-scale military hostilities along major frontlines to localized clashes between armed groups and government forces.

In southern Syria, clashes have escalated between government forces and armed opposition groups, particularly in Dara'a

governorate, since July. A fragile ceasefire was reached on 1 September, but quickly unraveled as Syrian government forces continued to launch raids, airstrikes and missile attacks, including with so-called “elephant rockets,” causing civilian deaths. The government has also besieged towns and imposed heavy restrictions on the delivery of humanitarian aid and on civilians attempting to flee. More than 35,000 civilians have been displaced since late July. Government forces also continue to commit murder, torture and sexual violence as a matter of state policy. The Col recorded over 130 targeted killings of medical workers, former judges, and “reconciliation leaders” between July 2020 and April 2021.

Despite a ceasefire in northwest Syria brokered in March 2020 between Russia and Turkey, there has been a marked escalation in hostilities since January 2021 in Idlib governorate. Ground fighting, shelling and airstrikes – perpetrated by forces loyal to the Syrian government – have damaged medical facilities, markets and schools, particularly in Jabal al-Zawiya. According to the Col, the attacks have caused dozens of civilian deaths and greatly reduced access to food, water, healthcare and adequate housing. The armed extremist group Hay’at Tahrir al-Sham also continues to perpetrate abuses, including arbitrarily detaining activists and journalists. In northwest Syria, approximately 3.4 million people are in need of humanitarian aid and 2.7 million are internally displaced.

Elsewhere in northern Syria, the Syrian National Army and other Turkish-backed armed groups have perpetrated torture, sexual violence, systematic looting and arbitrary detention. Meanwhile, indiscriminate shelling and airstrikes by government forces in Aleppo and across northern Syria have hit densely populated neighborhoods, hospitals and displacement camps, resulting in dozens of civilian casualties. IEDs are frequently detonated in crowded areas and have killed and wounded hundreds of civilians.

The UN Secretary-General’s report on children and armed conflict confirmed more than 4,724 grave violations across Syria in 2020, including killing, maiming and the recruitment and use of children in hostilities. Additionally, at least 40,000 children of alleged so-called ISIL fighters from 57 countries remain trapped in squalid detention camps run by the Kurdish-backed Syrian Defense Forces.

The government is also imposing arbitrary restrictions on freedom of movement and depriving individuals of their property in areas previously held by the opposition, which the Col alleges may amount to the war crime of collective punishment. Government forces have reportedly subjected civilians returning to Syria after fleeing abroad to arbitrary detention, enforced disappearances, extrajudicial killings and torture.

The Organisation for the Prohibition of Chemical Weapons has documented the illegal use of chemical weapons in Syria. Its Investigation and Identification Team released two reports in 2020 and 2021 that attribute responsibility to government forces for the use of chemical weapons, including chlorine gas and sarin. The Col has also reported on 37 instances of chemical

weapons use in Syria since March 2013, including 32 attacks perpetrated by the Syrian government.

## ANALYSIS

For the past decade the government of Syria, its allies and armed opposition groups have all perpetrated attacks on civilians and civilian infrastructure, blatantly disregarding international law. All parties to the conflict have committed acts that may amount to war crimes and crimes against humanity.

As various armed groups attempt to consolidate their control over territory in a fragmented Syria, civilians continue to face systematic human rights violations. The Syrian government and other parties to the conflict continue to perpetrate detention and disappearance as a strategy to control and intimidate civilians. Ongoing violations of various ceasefire agreements greatly increase the risk of a recurrence of large-scale conflict.

The grave situation across Syria is partly a consequence of the inability of the UNSC to hold perpetrators accountable. The Syrian government has directly violated various UNSC resolutions, and Russia has systematically shielded Syria from international accountability measures.

The government of Syria has manifestly failed to uphold its responsibility to protect and bears primary responsibility for the ongoing commission of war crimes and crimes against humanity.

## INTERNATIONAL RESPONSE

Following the outbreak of violence during March 2011, the international community censured the Syrian government for its widespread violations of human rights. The UN Secretary-General has also repeatedly called for the situation in Syria to be referred to the ICC.

Despite this, the UNSC has failed to respond effectively. Since 2013 the Council has passed 27 resolutions on humanitarian access, peace talks and chemical weapons in Syria. Several refer to the government’s responsibility to protect populations, but none have been fully implemented. Russia and China have jointly vetoed 10 draft resolutions and Russia has independently vetoed an additional 6. On 9 July the UNSC adopted Resolution 2585, extending authorization for cross-border aid for six months.

On 21 December 2016 the UNGA voted to establish an International, Impartial and Independent Mechanism to assist in the investigation and prosecution of perpetrators of atrocities in Syria. A number of countries have also initiated domestic legal proceedings against suspected Syrian perpetrators under universal jurisdiction. The first conviction of a member of Syria’s intelligence services for complicity in crimes against humanity was delivered in Germany on 24 February 2021.

On 18 September 2020 the government of the Netherlands formally requested negotiations with the Syrian government on allegations of torture as a first step towards holding Syria accountable for violations of the UN Convention against Torture. The government of Canada issued a similar request on 4 March.

On 21 April a majority of States Parties to the Chemical Weapons Convention voted to suspend Syria's rights and privileges under the treaty.

## NECESSARY ACTION

All parties to the conflict must uphold their obligations under IHL and IHRL, including ending attacks on civilians and civilian infrastructure, and facilitate unimpeded humanitarian access to civilians trapped or displaced by fighting. A timetable for the release of all detainees and abductees should be established. All parties should also uphold the ceasefire agreements in the northwest, northeast and south.

All returns of refugees and other displaced Syrians must be in accordance with the principle of non-refoulement. Syrian authorities must ensure the protection of all returnees.

UN member states should continue to pursue accountability for alleged perpetrators of atrocities under universal jurisdiction. The UNSC must work towards the establishment of an independent international mechanism to clarify the fate and whereabouts of those missing and disappeared in Syria. The UNSC should also refer the situation in Syria to the ICC.



More than 5.7 million people have left the country since 2014

## VENEZUELA

*Ongoing state-sanctioned persecution in Venezuela may amount to crimes against humanity.*

### BACKGROUND

Since 2014 Venezuelan security and intelligence forces have been accused of widespread torture, sexual and gender-based violence, arbitrary detention and enforced disappearances in an attempt to silence political dissent. State agents, including the Special Action Forces (FAES), have also allegedly perpetrated thousands of extrajudicial killings in the name of combatting crime. According to reports by the UN High Commissioner for Human Rights, Michelle Bachelet, an estimated 8,200 individuals were killed in "security operations" between January 2018 and

May 2020. Provea, a Venezuelan nongovernmental organization, documented 2,853 killings by state agents in 2020 alone.

For more than seven years Venezuela has experienced an unprecedented humanitarian, economic and political crisis. When mass protests erupted in response to insecurity, hyperinflation and a lack of essential services in 2014, security forces reacted with disproportionate force, torture and sexual violence. Security forces responded with similar patterns of violations and abuses during other mass protests, including in 2017 and 2019. During 2018 a panel of experts mandated by the Organization of American States accused the Venezuelan government of crimes against humanity. The same year, six states from the region – Argentina, Canada, Chile, Colombia, Paraguay and Peru – requested that the Chief Prosecutor of the ICC open a formal investigation into possible crimes against humanity. Throughout the crisis, civil society, human rights defenders, independent media and opposition members have faced persecution by the government.

The protracted political crisis further escalated in January 2019 when President Nicolás Maduro was sworn in for a second term. Although Juan Guaidó, then President of the opposition-led National Assembly, declared himself caretaker President, President Maduro remained in control of key state institutions.

In August government representatives and the opposition began a new dialogue process in Mexico City. Following the extradition of a close Maduro-ally to the US, the government suspended its participation in the latest round of talks on 16 October.

In September 2020 the HRC-mandated FFM on Venezuela warned that patterns of violations and abuses between 2014–2020 were authorized at the highest level of government and committed as part of a "widespread and systematic attack" against the civilian population that may amount to crimes against humanity. In December 2020 the Chief Prosecutor of the ICC asserted that there are reasonable grounds to believe that crimes against humanity have been committed since at least April 2017. In September 2021 the FFM warned that Venezuela's judicial system has contributed to ongoing state violence by perpetuating impunity for possible crimes against humanity. The FFM also warned that previously identified patterns of serious violations and abuses persist.

Millions of Venezuelans are suffering from a complex humanitarian emergency, including a collapsed healthcare system, widespread malnutrition and food insecurity. More than 5.7 million people have left the country since 2014 in what has become the largest migration crisis in Latin America.

### ANALYSIS

Extrajudicial killings appear to be part of a systematic strategy to combat crime and reinforce social control. The judiciary serves as a key instrument of government repression by enabling widespread impunity, which emboldens state agents to continue perpetrating possible crimes against humanity. The ICC's decision to open an investigation is an important step in

advancing accountability efforts and exerting pressure on the government to overhaul its judiciary.

Venezuela is facing a humanitarian catastrophe as a result of endemic corruption, economic collapse, political conflict and repression. The situation has been exacerbated by the government's failure to ensure full access to humanitarian relief.

Despite being a current member of the HRC, the government refuses to commit to genuine and system-wide human rights reform and is failing to uphold its responsibility to protect all Venezuelans.

## INTERNATIONAL RESPONSE

Since November 2017 the EU has imposed asset freezes on 55 individuals, including senior government officials. The US government has imposed targeted sanctions against the government, as well as broader sanctions that have exacerbated the humanitarian crisis.

Following the announcement by the ICC on the opening of a preliminary examination in February 2018, the Chief Prosecutor signed a Letter of Understanding with the Maduro government on 3 November 2021, declaring the opening of an investigation. Under the principle of complementarity, Venezuela agreed to adopt all necessary measures to ensure the effective administration of justice and to establish mechanisms to enhance cooperation with the ICC.

The HRC established the FFM in September 2019 and renewed its mandate for an additional two years in October 2020.

## NECESSARY ACTION

Venezuelan authorities must end the systematic persecution of actual or alleged opponents. The government should also dissolve the FAES and ensure impartial investigations of all serious violations and abuses of human rights committed by various state agents and agencies, including at the highest level. The government should grant the FFM unrestricted access to the country and resume its participation in the Mexico talks.

States should actively push for renewed negotiations between the government and the wider opposition and lift all measures that limit the population's access to basic goods and services. States should also exert diplomatic pressure to ensure the government commits to system-wide reform and urgently expand their funding for the humanitarian response within Venezuela and for migrants and refugees across the region.

Complementary to the ICC's investigation, other states should consider taking legal action, including under universal jurisdiction, against those responsible for possible crimes against humanity in Venezuela. UNSC members should invite the FFM to brief the Council on necessary action to ensure accountability for ongoing crimes against humanity.



18,500+ civilians killed or maimed by coalition airstrikes since March 2015

## YEMEN

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

### BACKGROUND

For over six years civilians in Yemen have suffered from ongoing war crimes and crimes against humanity. Fighting between Houthi rebels, the Southern Transitional Council (STC), and forces loyal to the internationally recognized government – as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition – has resulted in the deaths of thousands of civilians since March 2015. More than 18,500 civilians have been killed or maimed as a result of coalition airstrikes alone, including over 2,300 children. The conflict has displaced at least 4 million people and created the world's largest humanitarian crisis.

Armed hostilities and indiscriminate bombing are ongoing throughout Yemen, with at least 49 active frontlines across the country. More than 1,500 civilians have been killed or maimed during 2021. Hostilities in Taizz, Al Bayda, Hajjah, Aden and Sa'adah have increased. In mid-November hostilities escalated in Hodeidah when forces loyal to the government withdrew and Houthi forces took over, significantly shifting frontlines and causing mass displacement. Since the Houthis launched an offensive in Marib during February, indiscriminate missile and artillery fire has regularly hit markets, displacement camps, residential areas and other civilian objects in and around Marib City, causing dozens of civilian deaths. At least 24,000 people have been displaced in the region by fighting. Hundreds of coalition airstrikes, missile strikes and fierce ground fighting have also occurred across the governorate, particularly in Al-Jubah and Sirwah districts, as well as into Shabwah governorate.

In the south of Yemen, particularly in Shabwah governorate, the government has reportedly perpetrated dozens of targeted assassinations and hundreds of arbitrary detentions of Yemeni citizens they suspect of having collaborated with

the Shabwani Elite Forces, a UAE-backed militia. The STC has utilized disproportionate force against people protesting the deteriorating living conditions in the south.

From 2018-2021, the HRC-mandated Group of Eminent Experts (GEE) on Yemen documented a pattern of violations and abuses of international law perpetrated by parties to the conflict that may amount to war crimes, including indiscriminate airstrikes and shelling, torture, arbitrary detention, and sexual and gender-based violence. The GEE has alleged that Canada, France, Iran, the UK and US may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict.

The UNSC-mandated Panel of Experts on Yemen has reported since 2015 that arbitrary arrests and detention, enforced disappearances, ill-treatment and torture of detainees have been conducted by the governments of Yemen and Saudi Arabia, as well as the Houthis, STC and forces affiliated with the UAE. The Panel has also warned of ongoing arrests of humanitarian workers in Houthi-controlled areas in the north.

More than 20 million Yemenis need humanitarian assistance and 13.5 million are facing acute food insecurity. The GEE and CSOs have reported that parties to the conflict may have used starvation of civilians as a military tactic. The distribution of essential vaccines and other humanitarian aid has been systematically blocked by parties to the conflict, particularly by the Houthis.

## ANALYSIS

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian objects, amounting to war crimes and crimes against humanity. The protracted conflict is characterized by fragmenting coalitions and a multitude of fronts, as well as a pervasive climate of impunity that has fueled lawlessness and resulted in extensive civilian harm.

Attempted negotiations between parties to the conflict have been unsuccessful. Although parties signed the Stockholm Agreement in December 2018, which established a ceasefire for Hodeidah governorate, escalating violence in Hodeidah, Marib and other governorates puts hundreds of thousands of civilians and internally displaced persons (IDPs) at risk.

The dire humanitarian situation is a direct result of the armed conflict and requires a political solution complemented by effective accountability and justice mechanisms. Humanitarian restrictions and the destruction of medical facilities present grave challenges as Yemen confronts the COVID-19 pandemic.

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

## INTERNATIONAL RESPONSE

The UNSC imposed sanctions on former President Ali Abdullah Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC established an arms embargo and demanded the

Houthis withdraw from all areas they had militarily seized. On 21 December 2018 the UNSC passed a resolution endorsing the Stockholm Agreement and authorizing the deployment of a monitoring team. On 14 July 2021 the UNSC renewed the mandate of the UN Mission to support the Hodeidah Agreement.

On 25 October 2019 the European Parliament called on all EU member states to halt weapons exports to Saudi Arabia. On 4 February 2021 the US government announced an end to its support for Saudi Arabia's operations in Yemen. However, arms transfers to the UAE continue.

On 11 February 2021 the European Parliament passed a landmark resolution urging EU member states to use all available tools to hold accountable perpetrators of violations of international law in Yemen, including through universal jurisdiction.

Following extensive high-level pressure from Saudi Arabia, on 7 October the HRC failed to renew the mandate of the GEE, terminating the only international independent mechanism dedicated to monitoring international law violations in Yemen.

## NECESSARY ACTION

All parties to the conflict should fully implement the terms of the Stockholm Agreement and extend the Hodeidah ceasefire to all conflict-affected areas. The UN Special Envoy for Yemen, Hans Grundberg, should broaden negotiations to include all relevant parties to the conflict as well as ensure that accountability and justice feature prominently in the peace process. The government of Yemen should allow access to representatives from OHCHR and ensure that all potential war crimes and crimes against humanity are properly investigated and prosecuted.

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

The HRC should reinstate the mandate of the GEE during its March 2022 session. The UNGA should consider the establishment of a criminal justice-focused mechanism to advance accountability.

The UNSC should adopt a new substantive resolution on Yemen that better addresses the wide-ranging violations and abuses endured by Yemenis. The UNSC should also adopt targeted sanctions against all those responsible for potential atrocities and the deliberate obstruction of vital humanitarian assistance, as well as refer the situation in Yemen to the ICC.



## 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.



40+ people killed and hundreds detained since the 25 October coup

## SUDAN

*Populations in Sudan face an imminent risk of mass atrocity crimes due to ongoing political instability and use of lethal force against civilians by security forces and affiliated militias.*

### BACKGROUND

On 25 October the military in Sudan, under the leadership of General Abdel Fattah al-Burhan, head of the joint civilian-military Sovereign Council, seized power by dissolving the transitional body and declaring a state of emergency." Several civilian leaders, including Prime Minister Abdalla Hamdok, were arrested or placed under house arrest. Since then, hundreds of thousands of protesters have demonstrated across the country, demanding the reinstatement of the civilian-led government. More than 40 people have been killed and hundreds injured by security forces during protests.

Sudan's transitional authorities preceding the coup came to power after country-wide protests brought an end to then President Omar al-Bashir's thirty-year rule in April 2019. The Sovereign Council was established in August 2019 to lead the transition to democracy and prepare for elections in July 2023. However, the power-sharing agreement remained fragile, and prior to the military takeover, there were increasing tensions between and within Sovereign Council members.

On 21 November a new political agreement was signed between General Burhan and the ousted Prime Minister Hamdok. The agreement provides for the reinstatement of Hamdok, the restoration of the transition to civilian rule and the release of all political detainees. General Burhan said that Prime Minister Hamdok will lead a technocratic cabinet under military oversight

until elections can be held. Pro-democracy movements continue to demand a genuine civilian-led political transition.

Meanwhile, inter-communal violence and militia attacks remain a threat, with incidents in the Darfur region, as well as South Kordofan, West Kordofan, White Nile and Blue Nile states. According to OCHA, between January-August, 408 people were killed and 418,013 displaced. At least 43 people were killed and 46 villages burned and looted in West Darfur's Jebel Moon locality on 17 November when conflict erupted between the Arab community and farmers from the Misseriya Jebel community. Violence has escalated despite the Sovereign Council and the leaders of the Sudan Revolutionary Front, a coalition of armed groups from Darfur, South Kordofan and Blue Nile, signing a historic peace agreement in October 2020 aimed at ending almost two decades of armed conflict between the Bashir government and armed rebel groups.

### ANALYSIS

Political turmoil risks undermining democratic progress made in Sudan since 2019.

The Rapid Support Forces (RSF) and other security forces in Sudan have a history of violent crackdowns on protests and dissent. During mass demonstrations against military rule between December 2018 and August 2019, security forces used teargas and live ammunition against largely peaceful protesters, killing more than 200 people and arresting thousands. The military leaders who orchestrated the October coup also ordered the RSF to attack protesters on 3 June 2019 at a sit-in outside the army's headquarters, killing at least 100 people. There is an increased risk of atrocities due to the deployment of security forces in the capital, Khartoum, to patrol ongoing protests.

During his 30-year dictatorship, former President Bashir and other government officials were responsible for crimes against humanity, war crimes and acts of genocide while fighting armed groups in Darfur, South Kordofan and Blue Nile. Bashir has not been held accountable for past atrocity crimes. Mohamed Hamdan "Hemedti" Dagolo, a member of the Sovereign Council involved in the 25 October coup, is also implicated in atrocities committed as commander of the RSF.

Prior to the coup, the Sudanese cabinet had unanimously passed a bill on 4 August to become a state party to the Rome Statute of the ICC, pending approval by the Sovereign Council. Disagreement over justice for past atrocities led to tensions between Sovereign Council members.

The Sudanese military must uphold its responsibility to protect and refrain from using excessive and deadly force.

## INTERNATIONAL RESPONSE

The UNSC has imposed an arms embargo on Darfur since 2004 and sanctions on three individuals since 2006. Following a UNSC referral, the ICC issued arrest warrants for three Sudanese officials, including Bashir and two anti-government militia leaders, for atrocities perpetrated in Darfur.

On 3 June 2021 the UNSC extended the mandate of the UN Integrated Transition Assistance Mission in Sudan (UNITAMS), tasked to assist the Sudanese authorities during the transition to democracy, until June 2022.

Following the coup, the AU suspended Sudan from all its activities. Several states and multilateral organizations, including Germany, the US and the International Monetary Fund, paused foreign aid and halted disbursements. On 28 October the UNSC adopted a Press Statement on the situation. On 5 November the HRC adopted a resolution during a special session that designated an Expert on Human Rights to monitor and report on the developing situation in Sudan since the coup. Adama Dieng, former UN Special

Adviser on the Prevention of Genocide, was appointed as the designated Expert. One month before the special session, the HRC removed Sudan from its agenda for the first time since the Council was formed in 2006.

On 22 November UNITAMS, the EU, Canada, Norway, Switzerland, US and UK welcomed the new political agreement between General Burhan and Prime Minister Hamdok.

## NECESSARY ACTION

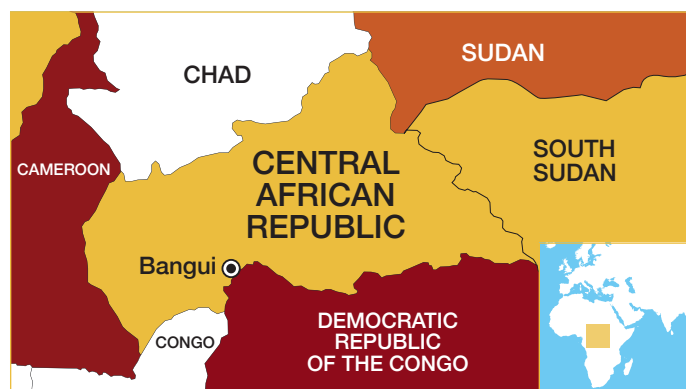
Security forces should protect the fundamental right to peaceful assembly and refrain from using excessive and deadly force against protesters. All those unlawfully detained should be released immediately.

The international community should call for a credible political transition that respects the people's desire for democracy.

The UNSC must continue to closely monitor the precarious security situation in Sudan.

## 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.



1.4 million Central Africans have fled their homes since 2013

## CENTRAL AFRICAN REPUBLIC

*Ongoing violence by armed groups and government and allied forces leaves populations in the Central African Republic at risk of atrocity crimes.*

### BACKGROUND

During December 2020 an alliance of predatory armed groups, known as the Coalition of Patriots for Change (CPC), launched an offensive aimed at preventing general elections in the Central African Republic (CAR) and perpetrated widespread violations

of IHL. In response, the Central African Armed Forces (FACA) – working closely with Russian security partners (or “instructors”) and Rwandan troops – launched counter-offensives and have recaptured territory. Despite the government's declaration on 15 October of a unilateral ceasefire, violence across the country has persisted.

Since December 2020 the CPC has killed and abducted civilians, perpetrated sexual violence, forcibly recruited child soldiers and attacked schools, hospitals, humanitarian workers and the UN peacekeeping mission in CAR (MINUSCA). The UN documented that 1,280 children suffered one or more grave violations between July 2019 and June 2021. Armed groups committed the majority of violations. During October MINUSCA reported increased human rights violations in the northwest, center and southeast of the country as armed groups attempted to reconquer former strongholds.

During military operations, FACA troops and Russian instructors have perpetrated summary executions, arbitrary killings, torture, forced disappearances and have occupied schools and looted humanitarian organizations and UN offices. These forces have continued to commit targeted attacks against ethnic and religious minority communities as well as hostile incidents against MINUSCA. Between 1 February and 1 October MINUSCA documented more than 300 conflict-related civilian deaths, primarily resulting from indiscriminate, disproportionate and excessive use of force by FACA and bilateral forces.

The protracted crisis in CAR has its origins in the overthrow of President François Bozizé in March 2013 by the mainly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian anti-balaka militias and the collapse of state institutions. Anti-balaka and ex-Séléka forces may have committed war crimes and crimes against humanity, however, most perpetrators have not been held accountable. On 19 November Hassan Boubou, Minister of Livestock and former leader of the major armed group, Union pour la Paix en Centrafrique, was imprisoned on charges of war crimes and against humanity by the Special Criminal Court (SCC) for CAR. A week later, Boubou was released from detention in defiance of court orders.

Despite a 2019 peace deal that formally ended the 2013–2015 armed conflict, signatories continue to engage in violence and perpetrate widespread human rights abuses. Former President Bozizé, who is under UNSC sanctions for his role in the conflict, is leading the CPC.

1.4 million people have fled their homes since 2013. Approximately 63 percent of the population needs humanitarian assistance.

## ANALYSIS

Unless all parties to the conflict adhere to the ceasefire, threats to populations will continue. The ongoing crisis and increased hostility towards MINUSCA have impacted its ability to implement its civilian protection mandate. Violence, shifting frontlines and the presence of explosive devices have hampered humanitarian access.

Following military operations launched in January 2021, armed groups lost control over strategic areas, prompting some to retreat to rural areas where they are committing serious human rights abuses. The cross-border flow of foreign fighters, arms trafficking and natural resources are contributing to a thriving conflict-economy. Attacks by FACA and allied forces against certain marginalized populations are bolstering support for armed groups, causing displacement and increasing inter-communal tensions.

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

## INTERNATIONAL RESPONSE

The UNSC has passed 15 resolutions since October 2013 that emphasize the government's responsibility to protect populations in CAR. A UNSC-mandated sanctions regime and arms embargo have been in place since 2013. On 12 March 2021 the UNSC adopted a resolution increasing the military and police deployment for MINUSCA to support the protection of civilians.

During May 2014 the government referred the situation in CAR to the ICC. The ICC currently has three individuals in custody, including two former anti-balaka leaders and one Séléka leader.

On 16 September the International Conference on the Great Lakes Region adopted a roadmap for peace, which called for a ceasefire and revitalization of the 2019 peace deal.

On 27 October UN experts called on the CAR government to end all relationships with private military and security personnel.

## NECESSARY ACTION

All armed actors must rigorously adhere to their obligations under IHL and IHRL. It is imperative that FACA and bilateral forces ensure the protection of all populations during military operations and that MINUSCA can effectively carry out its mandate. MINUSCA must prioritize the protection of civilians.

All perpetrators of atrocity crimes in CAR should be held legally accountable, regardless of their rank, affiliation or nationality. The government should prioritize accountability by continuing its cooperation with the ICC, supporting efforts of the national judiciary and ensuring that the SCC can fulfill its mandate.



3,000+ people killed and nearly 800,000 displaced since October 2017

## MOZAMBIQUE

*Attacks by armed extremists from "Al-Shabaab" leave populations in Mozambique at risk of further atrocity crimes.*

## BACKGROUND

Since October 2017 an armed extremist group, known locally as "Al-Shabaab," has engaged in a violent insurgency in Cabo Delgado, a northern province of Mozambique. Al-Shabaab, which is loosely affiliated with the so-called ISIL, has perpetrated indiscriminate attacks against civilians, including beheadings, sexual and gender-based violence, sexual slavery, abductions, recruitment of child soldiers and destroying civilian infrastructure. More than 3,000 people have been killed and nearly 800,000 displaced since October 2017. Both Al-Shabaab and government security forces have perpetrated extrajudicial executions and other IHL violations that may amount to war crimes.

Since August 2020 fighting between Al-Shabaab and security forces has taken place near Mocímboa da Praia, Palma, and other port towns where several major offshore liquified natural gas projects are under development. Following a period of relative calm at the start of 2021, on 24 March hundreds of Al-Shabaab fighters raided Palma and captured the city. At least a dozen civilians were killed, including foreign workers. More than 90,000 people have fled Palma since late March. Although the government regained control of the majority of the city in early April, Al-Shabaab attacks continued in surrounding areas, including in Muidumbe, Mocímboa da Praia and Nangade districts.

During July regional forces, including troops from Rwanda and members of the Southern African Development Community (SADC), began deploying to Cabo Delgado to assist the Mozambican government in confronting the group. On 8 August Rwandan armed forces helped reclaim Mocímboa da Praia, which Al-Shabaab had occupied for a year.

Mozambique has a history of atrocities stemming from its 1977-1992 civil war, during which approximately 1 million people died. War crimes and crimes against humanity were perpetrated by the armed rebel group, RENAMO, who carried out massacres of civilians and systematically killed teachers and health workers. Government armed forces also perpetrated war crimes.

## ANALYSIS

Although Al-Shabaab was formed in 2017, their attacks intensified during 2020. The group's willingness to indiscriminately attack civilians increases the risk of further atrocities. The violence in Cabo Delgado has triggered a massive displacement and humanitarian crisis. Tanzania has been accused of blocking or forcibly returning thousands of civilians attempting to flee the violence.

The discovery of liquified natural gas off the coast of Mozambique brought hope for a boost to the country's economy, but several companies announced they would halt work on the project, citing growing insecurity following the attack on Palma. Al-Shabaab has exploited popular discontent over corruption and poverty in Mozambique to recruit fighters.

Despite the security forces' failure to adequately protect populations in Cabo Delgado, for years the government resisted international offers to provide logistical support or troops. Recent agreements to bring regional forces into the country have resulted in military gains, but could also lead to further displacement.

The government of Mozambique is struggling to uphold its responsibility to protect and requires international assistance.

## INTERNATIONAL RESPONSE

During April 2020 the EU expressed concern regarding the situation in Cabo Delgado and called upon the government to protect civilians and hold perpetrators of atrocities accountable. On 1 July 2021 the EU agreed to send a military

training mission to the country. The US and Portugal deployed small forces in early 2021 to conduct counterinsurgency training.

On 23 June 2021 SADC approved the deployment of a standby force to assist Mozambique for a period of three months. On 5 October SADC agreed to extend the mission. On 9 July, following a request by the Mozambican government, Rwanda also deployed 1,000 troops and police to Cabo Delgado. According to the government of Rwanda, the deployment is "grounded in Rwanda's commitment to the Responsibility to Protect doctrine and the 2015 Kigali Principles on the Protection of Civilians."

## NECESSARY ACTION

Security forces should ensure the protection of civilians and IDPs in Cabo Delgado. Neighboring states must respect international refugee law and provide protection to populations fleeing atrocities. All government and regional forces must ensure military operations against Al-Shabaab are carried out with strict adherence to international law and utilize tactics that mitigate civilian harm. As Al-Shabaab retreats from previously held territory, it is essential to provide psycho-social support to civilians who were abducted or subjected to sexual violence and to engage in demobilization, disengagement and reintegration efforts for children recruited into conflict.



35,000 people killed since 2009 due to violence and insecurity caused by Boko Haram

## NIGERIA

*Increased attacks by armed bandit groups, and continued attacks by Boko Haram and the Islamic State in West Africa, leave civilians at risk of mass atrocity crimes.*

## BACKGROUND

Multiple security threats leave civilians in Nigeria at ongoing risk of atrocity crimes, including growing attacks by armed groups commonly referred to as "bandits," as well as by the armed extremist groups Boko Haram and the so-called Islamic State in West Africa (ISWA). According to OCHA, the deteriorating security situation has resulted in a humanitarian emergency, with more than 8.7 million people requiring urgent assistance.

Since 2011 inter-communal violence, rooted in competition over scarce resources, has escalated in central and north-west Nigeria. Violence between herding and farming communities has become increasingly deadly as a result of the proliferation of armed groups and gangs who engage in organized cattle-rustling, kidnapping, plunder, murder and rape. The emergence and expansion of armed banditry in the north-west resulted in at least 4,900 people killed between 2018-2020 and has displaced hundreds of thousands.

Kidnappings by armed extremist groups and bandits have become endemic in northern Nigeria, with more than 950 children kidnapped since December 2020. More than 200 students remain missing.

Violence perpetrated by Boko Haram and ISWA against civilian and military targets has resulted in mass atrocities in northern Nigeria. At least 35,000 people have been killed since 2009 when Boko Haram launched its insurgency aimed at overthrowing Nigeria's secular government and establishing an Islamic state. There are at least 2.2 million IDPs in Adamawa, Borno and Yobe states while health services and education have been severely disrupted. These groups have also perpetrated attacks in neighboring countries, killing and displacing civilians in Cameroon, Chad and Niger. Despite the reported surrender of almost 6,000 Boko Haram fighters following the alleged death of the group's leader, Abubakar Shekau, on 19 May, the armed extremist group has recently expanded into north-central Nigeria.

Responding to the multiple security crises, on 27 April Nigeria's House of Representatives called upon President Muhammadu Buhari to immediately declare a state of emergency and impose measures to restore peace in the country.

## ANALYSIS

Facing the combined threat of large-scale banditry and ongoing attacks by armed extremists, Nigeria's armed forces have been deployed in two-thirds of the states in the country and are overstretched. Despite notable progress by the regional Multinational Joint Task Force (MNJTF) against Boko Haram, civilians remain at risk of terrorist attacks and identity-based violence.

Security forces have also reportedly violated human rights during counterterrorism operations, including extrajudicial killings of suspected Boko Haram and ISWA members.

While parts of Nigeria have experienced recurring inter-communal violence, growing desertification has exacerbated the situation and arms proliferation has made these conflicts deadlier. The loss of grazing land in the north has driven many ethnic Fulani herdsman, who are mainly Muslim, southward into areas farmed by settled communities that are predominantly Christian. Many of Nigeria's bandit groups have formed in response to growing inter-communal conflict over land and resources. While these groups are driven largely by criminal motives, many bandits are ethnic Fulani and prey on settled farming communities, increasing ethnic tensions.

The government of Nigeria is struggling to uphold its responsibility to protect populations and needs ongoing support from the international community.

## INTERNATIONAL RESPONSE

The MNJTF was established in 2015 to combat armed extremism.

On 11 December 2020 the Chief Prosecutor of the ICC announced the completion of a preliminary examination into the situation in Nigeria, concluding that Boko Haram and Nigerian forces committed war crimes and crimes against humanity. The Court has yet to open a full investigation.

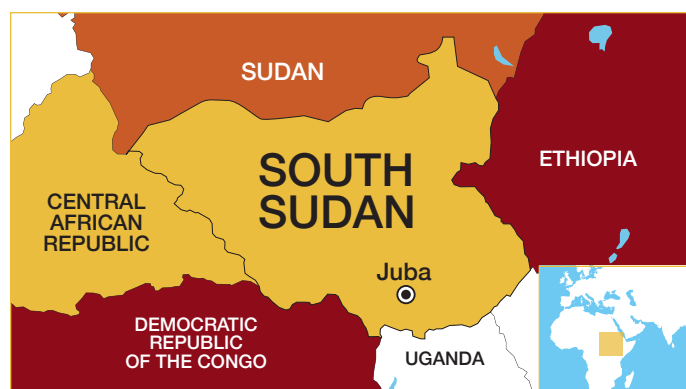
## NECESSARY ACTION

While the lack of adequate military protection for vulnerable populations needs to be urgently addressed, social initiatives and political reforms remain crucial in order to confront the root causes of conflict, including poor governance, corruption, poverty, youth unemployment and environmental degradation.

Local peace commissions established to mediate inter-communal tensions and build early warning systems, such as those in Adamawa, Kaduna and Plateau states, need to be duplicated in other high-risk regions. In keeping with its commitment to the Safe Schools Initiative, Nigeria's federal government should also work with local communities to enhance security and bring an end to mass kidnappings of children.

Utilizing ECOWAS' Early Warning System, the government should increase police and military deployments to vulnerable areas, while ensuring strict adherence to IHRL and IHL during operations. The government also needs to urgently reform the security sector, including by incorporating IHL and IHRL into all military and police training, and ensure accountability for human rights violations.





75 percent of South Sudan  
engulfed in localized violence

## SOUTH SUDAN

*Increased localized and inter-communal violence, as well as political infighting, poses a threat to civilians in South Sudan.*

### BACKGROUND

Growing discontent within the two main political parties in South Sudan, the Sudan People's Liberation Movement of President Salva Kiir and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) of Vice President Riek Machar, has led to increased instability and violence. Meanwhile, between June–August, the SPLM/A-IO splintered into two rival factions – those loyal to Machar and those loyal to the Chief of General Staff of SPLM/A-IO, Simon Gatwech Dual – leading to violent clashes and exacerbating inter-communal tensions in Upper Nile State. On 7 August between 45 and 64 people were killed and 2,000 displaced in Kitgwang, Upper Nile, from SPLM/A-IO infighting.

Populations in South Sudan also continue to suffer as a result of increased inter-communal violence and clashes between government forces and armed opposition groups. The HRC-mandated Commission on Human Rights in South Sudan (CHRSS) has asserted that the current level of localized violence may be higher than during the country's 2013–2018 civil war. During 2021 localized violence has occurred in Upper Nile, Warrap, Central Equatoria and Western Equatoria states, resulting in human rights violations and increased protection risks. Between 1 June and 31 August the UN Mission in South Sudan (UNMISS) reported 179 incidents of human rights violations, including extrajudicial executions, abductions, conflict-related sexual violence, arbitrary arrests and detention, torture and ill-treatment, forced military conscription and the looting and destruction of civilian property. Meanwhile, hundreds of people have been killed as a result of increased inter-communal violence, including cattle raiding, abductions and attempted robbery.

The rise in political and localized violence has exacerbated the humanitarian situation. According to the UN, humanitarian needs are at their highest level since the formation of South Sudan in 2011, with 7.2 million people – 60 percent of the population –

facing acute food insecurity and 108,000 facing catastrophic hunger. Fighting has resulted in increased displacement and diminished access for the UN and other humanitarian actors. An estimated 1.7 million people remain internally displaced and 2.3 million have fled to neighboring countries.

### ANALYSIS

Political instability and armed conflict have been pervasive in South Sudan for the majority of its 10 years of independence. Between December 2013 and April 2018 an estimated 400,000 people were killed as the army and SPLA-IO perpetrated war crimes and crimes against humanity. The CHRSS alleges that between 2017–2019 government troops and opposition forces deliberately used the starvation of civilians as a method of warfare, particularly in Western Bahr el Ghazal and Jonglei states. There has been no substantive attempt to hold perpetrators accountable.

While there is a history of seasonal inter-communal violence in parts of South Sudan, recent disputes have been exacerbated by resource pressures caused by climate change and arms proliferation. Weak state structures, as well as a lack of trust in the justice system, has also driven some communities to favor extrajudicial executions as a means of ending the cycle of retaliatory inter-communal violence.

Although the formation of the Transitional Government of National Unity (TGoNU) in 2020 was supposed to provide an opportunity to address divisions in the country and the underlying causes of localized conflicts, senior political and military leaders continue to manipulate long-standing enmities between rival ethnic communities. Bitter disagreements between and within parties of the TGoNU on how to implement the peace agreement have led to widening divisions that threaten the future security of the country.

The TGoNU is struggling to uphold its responsibility to protect.

### INTERNATIONAL RESPONSE

The UNSC has subjected eight people to targeted sanctions since 2015 and imposed an arms embargo since 2018. On 12 March 2021 the UNSC extended the mandate of UNMISS, emphasizing that, "South Sudan's government bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity."

The UN High Commissioner for Human Rights and the CHRSS have expressed alarm over the escalation of inter-communal and localized conflict in South Sudan. During its 46th session in March 2021, the HRC adopted two resolutions on South Sudan, extending the mandate of the CHRSS until March 2022 and requesting that the High Commissioner provide technical assistance to the government on human rights monitoring and transitional justice.

### NECESSARY ACTION

The international community should exert increased diplomatic pressure on all parties to the 2018 peace agreement to ensure

its full implementation. The UNSC should impose further targeted sanctions against any individuals who undermine the peace process. The AU, IGAD and neighboring countries should actively enforce the existing arms embargo.

The AU and the government should expeditiously establish the Hybrid Court and prosecute individuals responsible for past atrocities, regardless of their affiliation or position.



**Global Centre for the  
Responsibility to Protect**

**Ralph Bunche Institute for  
International Studies**

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

Phone: (+1) 212.817.1929

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

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

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**Executive Director**

Savita Pawnday

**Research Director**

Jaclyn D. Streitfeld-Hall

**Contributors**

Christine Caldera, Sarah Hunter,  
Nadira Kourt, Juliette Paauwe,  
Jahaan Pittalwala, Elisabeth  
Pramendorfer, Liam Scott

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