

## 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 risk of mass atrocity crimes occurring, or recurring, is significant if effective preventive action is not taken.

The **Responsibility to Protect** 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.

### CURRENT CRISIS



Afghanistan	2
Cameroon	3
Central Sahel	5
China	7
DRC	9
IOPT	11
Myanmar	13
Nicaragua	14
Nigeria	16
Sudan	18
Syria	20
Ukraine	21
Venezuela	23

### IMMINENT RISK



CAR	25
Ethiopia	27
Mozambique	29
South Sudan	30
Yemen	32

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



## AFGHANISTAN

Populations in Afghanistan are facing systematic human rights violations perpetrated by the Taliban de facto authorities. Other armed extremist groups also continue to pose a threat to civilians.

### BACKGROUND

On 15 August 2021 Taliban forces entered Kabul, Afghanistan, effectively overthrowing the Afghan government. Since then, the Taliban and various armed groups, including the so-called Islamic State in Iraq and the Levant-Khorasan (ISIL-K), have committed widespread and systematic human rights violations throughout the country, including regularly perpetrating attacks that predominantly target ethnic and religious minorities. In addition, the Taliban de facto authorities have imposed severe restrictions on fundamental rights and access to civic and public space, particularly for women and girls.

The Taliban have enforced a sweeping series of decrees that severely restrict women's rights to fully participate in public and daily life, including restrictions on freedom of movement and expression, employment opportunities and access to education and health care, in flagrant violation of their obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Women's rights activists and human rights defenders have faced killings, enforced disappearances, incommunicado detention, attacks and harassment.

The Human Rights Service of the UN Assistance Mission in Afghanistan (UNAMA) documented over 3,195 civilians killed or wounded from 15 August 2021 to the end of 2022, mostly by improvised explosive devices (IEDs) and other attacks. Many of these attacks were attributed to ISIL-K. UNAMA has also documented evidence of the Taliban de facto authorities committing a wide range of human rights violations – including extrajudicial killings, arbitrary arrests and detentions, incommunicado detention and torture and ill-

treatment – against former government officials and armed forces, media workers and human rights defenders.

Civilians have also faced violations and abuses in the country's northern provinces, including Panjshir and Baghlan, as the Taliban de facto security forces clash with fighters affiliated with the self-identified National Resistance Front (NRF). The NRF has been opposing the Taliban militarily in Panjshir and surrounding areas since the Taliban took over Afghanistan. The Taliban also perpetrate abuses against persons they perceive as being affiliated with the NRF or ISIL-K.

The people of Afghanistan are enduring a severe humanitarian crisis, compounded by the impact of sanctions and the freezing of state assets. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than half the population is currently in need of humanitarian aid, with nearly 20 million people facing acute hunger. On 22 December 2021 the UN Security Council (UNSC) adopted Resolution 2615, allowing for humanitarian aid to flow into Afghanistan without violating UN sanctions against the Taliban, which have been in place since 2011.

The Taliban were the de facto authorities in Afghanistan from 1996-2001 before they were overthrown by a North Atlantic Treaty Organization coalition of military forces. During two decades of insurgency against the internationally recognized Afghan government, the Taliban perpetrated likely crimes against humanity and war crimes while Afghan security forces and members of the United States (US) military and Central Intelligence Agency (CIA) also committed likely war crimes. On 5 March 2020 the International Criminal Court (ICC) authorized the Office of the Prosecutor to investigate alleged atrocity crimes perpetrated in Afghanistan since 1 July 2002. On 27 September 2021 Chief Prosecutor Karim Khan 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 acts committed by Afghan national security forces, US forces and the CIA.

### RECENT DEVELOPMENTS

The UN Special Rapporteur on the situation of human rights in Afghanistan reported in September 2022 that attacks against ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, likely amounting to crimes against humanity. According to the Special Rapporteur's report, from 30 August 2021 to 30 September 2022 at least 965 civilians were killed or injured in 22 targeted attacks, including at least 16 attacks specifically targeting the Hazara population. The Special Rapporteur also warned of an emerging pattern of forced evictions and land grabbing based on ethnicity or political association. These attacks are frequently claimed by ISIL-K and directly target Hazara Shias, other Shia Muslims, Sufi Muslims, Sikhs and

other minorities. Places of worship, as well as educational and medical centers, have been systematically attacked, and individuals from these communities have been arbitrarily arrested, tortured, summarily executed and forced to flee the country.

In November 2022 a group of UN independent human rights experts – including the Special Rapporteur on Afghanistan and the Working Group on discrimination against women and girls – reported that the Taliban de facto authorities’ targeting of women and girls may amount to gender persecution, a crime against humanity.

## ANALYSIS

The risk of further war crimes and crimes against humanity persists. Ethnic and religious minorities, particularly the Shia Hazara, continue to be systematically targeted, indicating that the Taliban is likely unable or unwilling to protect vulnerable populations. Targeted attacks are largely unreported due to the Taliban’s increasing crackdown on independent media and a rapidly shrinking civic space. The Taliban de facto authorities have frequently targeted journalists, civil servants, human rights defenders and those affiliated with the former Afghan government with violations that appear to be perpetrated on a widespread and systematic basis. Impunity for past and ongoing violations has enabled crimes to continue.

Efforts by the Taliban to exclude women and girls from social, economic and political spheres, including the institutionalized large-scale and systematic gender-based discrimination and violence against them, likely amounts to the crime against humanity of gender persecution. Continued restrictions on fundamental freedoms could lead to more severe violations of international law and further atrocity crimes.

## RISK ASSESSMENT

- Decades of serious violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL), as well as impunity for those crimes.
- Institutionalized large-scale and systematic gender-based discrimination by Taliban de facto authorities against women and girls.
- Widespread and systematic targeted attacks perpetrated by ISIL-K and the de facto authorities against ethnic and religious minorities.
- Lack of independent media and crackdown on civil society and human rights defenders.
- Weakness of state structures to protect vulnerable populations and an unwillingness of the de facto authorities to uphold obligations under international law.

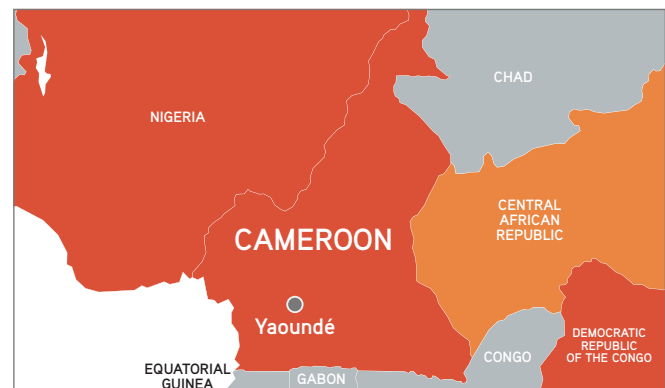
## NECESSARY ACTION

As the de facto authorities, the Taliban are bound by all existing international human rights obligations codified in the treaties to which Afghanistan is a state party, including CEDAW. They

must uphold these obligations, including by halting all violations and abuses perpetrated by their officials and guaranteeing the equal protection and promotion of human rights of all people in Afghanistan, regardless of gender, ethnic background, religious belief or political affiliation.

The Taliban must investigate patterns of human rights violations documented by UNAMA and the Special Rapporteur and take immediate steps to prevent future violations, including by holding perpetrators accountable. The Taliban should allow the international community to provide assistance in meeting these obligations. It is imperative that the Taliban cooperate with and facilitate access for the Special Rapporteur, UNAMA and the Office of the UN High Commissioner for Human Rights (OHCHR), as well as ensure the safety of all humanitarian workers and organizations.

The international community should continue to pursue justice for war crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. All UN member states should ensure that UNAMA’s Human Rights Service is sufficiently resourced to carry out its full mandate.



## CAMEROON

Civilians in the Anglophone regions of Cameroon 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 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, an area predominantly inhabited by the country’s Anglophone minority. Since then, armed separatists and Cameroonian

security forces have clashed, resulting in widespread atrocities against the civilian population by both sides to the conflict.

More than 6,000 people have been killed as a result of the crisis since 2016. Security forces have perpetrated extrajudicial killings and widespread sexual and gender-based violence, burned Anglophone villages and subjected individuals with suspected separatist ties to arbitrary detention, torture and ill-treatment. Armed separatists have also killed, kidnapped and terrorized populations while steadily asserting control over large parts of the Anglophone regions. Since the beginning of 2022 the government has increased its operations against armed separatist strongholds, prompting separatists to step up their attacks against government security forces, using deadlier weapons and IEDs.

Separatists have banned government education and frequently attack, threaten and abduct students and teachers, as well as burn, destroy and loot schools. These attacks, as well as strict lockdowns imposed by armed separatists, have robbed children of their education. According to OCHA, only 46 percent of schools are functioning and 54 percent of students are enrolled for the 2022-2023 academic year.

Separatists and government forces have perpetrated targeted attacks on health facilities and humanitarian workers, restricting the delivery of vital aid and forcing various international humanitarian organizations to suspend their operations. According to OCHA, more than 1.7 million people are in need of humanitarian assistance in the north-west and south-west regions. OCHA also estimates that at least 628,000 people have been internally displaced by violence in the two regions, while more than 87,000 have fled to Nigeria.

Despite the deteriorating security and humanitarian situation, the government of Cameroon continues to deny the severity of the crisis and has yet to take any meaningful action aimed at ending the conflict or addressing its root causes. The international community has also taken limited action in response to the situation. The Council of the European Union (EU), the UN Committee on the Elimination of Racial Discrimination (CERD) and others have appealed for an end to the violence and urged government action, while additional actors have previously offered to serve as mediators. The UNSC has held only one meeting on the situation in Cameroon, an Arria-formula meeting on 13 May 2019, which focused on the humanitarian situation.

## RECENT DEVELOPMENTS

On 20 January 2023 the government of Canada announced it would facilitate peace negotiations. The announcement came four months after President Paul Biya suspended the government's participation in a Swiss-led mediation process.

The government of Cameroon claimed it had not asked any country to mediate and denied its involvement in negotiations with Canada.

Attacks involving IEDs continue, with at least 20 incidents reported in February alone. To boycott National Unity Day on 20 May, armed separatists called for several lockdowns and warned that civilians would face consequences if they did not remain indoors. The National Unity Celebration parade in Buea was abruptly interrupted by the detonation of an IED, leading to an unknown number of casualties.

Separatist groups are also increasingly using kidnappings as a tactic. During May armed separatists allegedly abducted approximately 50 women in the north-west region for protesting against violence and illegal taxes imposed on them by separatists. Some of the women were reportedly tortured with guns and machetes.

## ANALYSIS

The international community often perceives the conflict in the Anglophone region as an insurgency by armed separatist groups against the Cameroonian government. However, the situation is much more complex. Although the Anglophone and Francophone areas of Cameroon have been unified since 1961, there is a long history of disputes over the extent to which access to government resources is controlled by the French-speaking majority. The current situation, which began as a political dispute, has evolved into a multifaceted security crisis and humanitarian catastrophe.

Civilian populations, particularly women and children, are disproportionately bearing the brunt of the devastating scale of destruction and unlawful killings, with far reaching consequences. The targeting of individuals based upon their cultural identity poses a direct threat to Anglophone civilians and may amount to war crimes and crimes against humanity.

The conflict dynamics in the north-west and south-west are changing as the crisis becomes increasingly financially lucrative, with separatist groups having expanded their sources of revenue through kidnapping and extortion. Ethnic communities are often targeted for their alleged collaboration with either side of the conflict. The fact that there is no unified armed separatist group, but rather an increasingly disorganized and competing collection of groups, makes the situation – and possible pathways to peace – extremely challenging.

The risk of atrocities will continue if the root causes of the conflict, including poor quality of government services, weak governance and marginalization of parts of the population by a highly centralized state, remain unaddressed.

## RISK ASSESSMENT

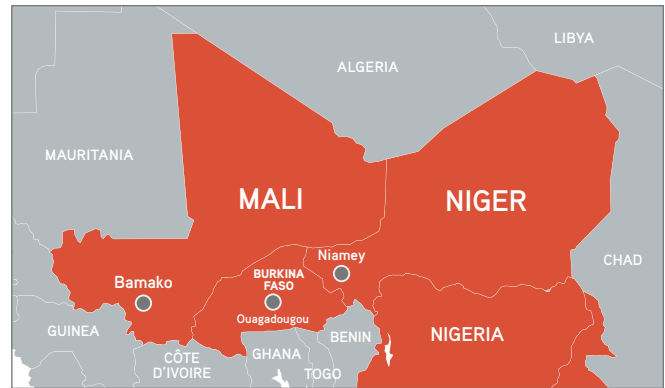
- Past or present discriminatory, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Political and social instability caused by disputes over power and growing armed opposition movements.
- Increased politicization of identity, past events or motives to engage in violence.
- Policy or practice of impunity for – or tolerance of – serious violations of IHRL and IHL, atrocity crimes or their incitement.
- Lack of capacity to ensure the security sector adheres to the highest standards of professionalism, international law and the protection of human rights.

## 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 IHRL should be investigated and held accountable. Armed separatist groups must also halt attacks on civilians and civilian infrastructure. Safe and unfettered humanitarian access must be restored and guaranteed. Foreign governments and regional organizations should suspend all military assistance to Cameroon until its security forces have made demonstrable progress toward upholding the human rights of all Cameroonians.

The government should hold an inclusive dialogue with parties to the Anglophone crisis, mediated by a neutral player on neutral territory. The government must also invest in programs that meaningfully address the root causes of inter-communal violence.

The African Union (AU) and Economic Community of Central African States should work with the government to prevent further deterioration of the conflict. Efforts by the UN's Regional Office for Central Africa, including good offices, must prioritize finding a political solution to the violence and encourage inclusive dialogue. The UNSC should discuss the situation in Cameroon and urge parties to the conflict to end hostilities and find a peaceful solution to the multifaceted crisis.



## CENTRAL SAHEL

Recurrent violence perpetrated by armed Islamist groups threatens populations in the Central Sahel – Burkina Faso, Mali and Niger – with violations that may amount to crimes against humanity and war crimes. Populations are also at risk of abuses by security forces, as well as communal violence between ethnic militias and self-defense groups.

## BACKGROUND

During 2012 Tuareg separatists and armed Islamist groups seized territory in northern Mali following a military coup. Despite numerous security initiatives, including the presence of international forces and a UN peacekeeping operation (MINUSMA), the conflict shifted into inter-communal violence and attacks by armed Islamist groups. Recurrent violence perpetrated by such groups – including those affiliated with al-Qaeda and the so-called Islamic State in the Greater Sahara (ISGS) – subsequently spread into neighboring Burkina Faso and Niger, threatening populations across the Central Sahel with violations that may amount to crimes against humanity and war crimes. At least 2.6 million people are internally displaced in the Central Sahel, including more than 2 million in Burkina Faso alone.

For more than five years armed Islamist groups across the Central Sahel have systematically used sieges, threats, kidnapping, IEDs and landmines as deliberate tactics of war. In Burkina Faso, more than 1 million people live in areas under blockade and face daily threats of violence. Across the region these groups are imposing “zakat” (forced taxation) and strategically destroying and looting civilian objects, including places of worship, health centers, food reserves, water services and bridges. Armed Islamist groups have targeted secular state education, burning schools and threatening, abducting or killing teachers. Nearly 10,000 schools are currently closed or non-operational, impacting 1.6 million children. These groups have also targeted humanitarian workers and MINUSMA. Throughout the region violence has

also taken place between rival ethnic militias and self-defense groups resulting in countless abuses, including kidnappings, unlawful killings and arbitrary detentions.

The UN's Commission of Inquiry (CoI) on Mali and national human rights mechanisms have found that some counterterrorism operations have led to grave human rights violations and abuses that may amount to war crimes. A group of UN independent experts concluded that the Malian Armed Forces (FAMA) and allied mercenaries from the Wagner Group have perpetrated possible war crimes and crimes against humanity during counterterrorism operations since December 2021. A report by OHCHR concluded that FAMA and mercenary operatives killed at least 500 people – the majority of whom were summarily executed – and perpetrated rape, sexual violence and torture against civilians in Moura from 27-31 March 2022. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes, including unlawful killings, torture and enforced disappearances of civilians and suspected Islamist fighters.

The region has faced significant upheaval since 2021, particularly following military coups in Mali and Burkina Faso in May 2021 and January 2022, respectively, which prompted their suspensions from the AU and the Economic Community of West African States (ECOWAS). As a result of growing frustration and insecurity, Burkina Faso had a second coup in September 2022. In the past year, amidst a shrinking of civic space across the region, human rights defenders, journalists and real or perceived government critics have faced increasing reprisals, including threats, intimidation and arbitrary arrests.

## RECENT DEVELOPMENTS

Burkinabé authorities launched a drive in November 2022 to recruit 50,000 people into the VDP to fight alongside the army in a purported effort to curtail the spread of violence. Since then, there has been an increase in extrajudicial killings and disappearances of civilians – oftentimes ethnic Fulani – who VDP fighters and the security forces accuse or suspect of supporting the militants. Nearly 300 civilians were killed in attacks involving Burkinabé security forces between October and February, compared to about 100 during the same period a year ago, according to the Armed Conflict Location and Event Data Project (ACLED). On 20 April at least 150 civilians, including the elderly, women and children, mainly from the Mossi ethnic group, were reportedly killed by the Burkinabé security forces in likely the deadliest incident against civilians since the crisis began. In response to the alleged involvement of security forces in civilian killings, the government announced during May the deployment of judicial police to ensure accountability during counterterrorism operations.

Since January, there has been an intensification in fighting between ISGS militants and the so-called Group for the Support of Islam and Muslims in the Ménaka region of Mali. Militants continue to launch persistent attacks against civilians, including punitive attacks against communities they accuse of helping the state or refusing to join their ranks. In April ISGS took control of Tidermène – a main supply route – further isolating populations. Since ISGS launched their offensive in March 2022, more than 100,000 people have been forcibly displaced and 1,100 civilians killed in Ménaka and Gao. According to the radio station Voix du Sahel, during April and May 2023 more than 18,000 women and children fled abuses by unidentified armed men in Tillabéri, Niger, where clashes between the Djerma and Fulani communities led to several deaths and injuries.

The UN Children's Fund (UNICEF) reported that 2022 was the deadliest for children in the Central Sahel since the crisis began. In Burkina Faso, three times more children were killed during the first nine months of 2022 than in the same period in 2021, with most dying from gunshot wounds or due to IEDs or explosive remnants of war. In Niger, the UN documented over 200 grave violations against children between July and September 2022 in the tri-border area, most of them involving the forced recruitment and use of children.

## ANALYSIS

While Burkina Faso, Mali and Niger each face distinct challenges, these states also share a legacy of structural vulnerabilities, weak governance, limited state presence and porous borders. The expanded area of influence and/or control of armed Islamist groups increases protection risks, including targeted attacks against certain communities.

Armed Islamist groups appear to be deliberately targeting civilians as a tactic to pressure local communities into cooperation or forcibly displace them. The CoI on Mali has previously implicated armed Islamist groups in crimes against humanity and war crimes.

Populations continue to be targeted and persecuted on the basis of their ethnic and/or religious identity. According to ACLED, more than half of the civilians killed by the defense and security forces or ethnic militias in Burkina Faso and Mali during 2022 were Fulani despite comprising around 10 and 14 percent of the population in each country, respectively. The Burkinabé government's reliance on VDPs has fueled abuses.

In January 2023 the UN Secretary-General released an internal review of MINUSMA, stating that significant movement restrictions undermine the Mission's ability to protect populations. Protection gaps increase the risk of atrocities and hinder MINUSMA's capability to take timely interventions.

## RISK ASSESSMENT

- Unresolved long-standing inter-communal tensions and grievances and the creation of militias and self-defense groups that perpetrate targeted attacks along ethnic lines.
- Shrinking civic space and crackdown on independent media, human rights defenders and real or perceived government opponents.
- Impunity for large-scale atrocities perpetrated by armed Islamist groups and ethnic militias, as well as soldiers and mercenary operatives during counterterrorism operations.
- Marginalization of specific populations and increased inflammatory rhetoric and hate speech targeting ethnic groups.
- Reliance upon counterterrorism operations that undermine the protection of civilians and stigmatize certain communities.

## 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 exacerbate inter-communal tensions and fuel distrust of state authority. All actors should refrain from supporting or collaborating with ethnically aligned militias with poor human rights records.

Additional measures must be implemented to end the proliferation of arms, militias and self-defense groups and improve land management and local governance. Support for local reconciliation initiatives needs to be focused on areas where atrocity risks are greatest. The transitional authorities in Burkina Faso and Mali must promote public dialogue and remove unlawful restrictions on fundamental human rights.

The governments of the Central Sahel should investigate all violations and abuses of IHL and IHRL. Malian transitional authorities must cooperate with MINUSMA and ensure that the Mission can carry out its mandate, particularly its human rights components.



## CHINA

The Chinese government is committing possible crimes against humanity and genocide by systematically persecuting Uyghurs and other majority-Muslim ethnic groups.

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## BACKGROUND

Under the guise of combating religious extremism and terrorism, in recent years Chinese authorities in the northwestern so-called Xinjiang Uyghur Autonomous Region (XUAR) have increased persecution of the ethnic Uyghur community, as well as Kazakhs, Kyrgyz and other majority-Muslim ethnic groups. 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 when XUAR authorities passed the “Regulation on De-extremification,” which prohibits a range of “extreme” behaviors, such as “abnormal” beards.

Over 1 million people, mainly Uyghurs, have been arbitrarily detained in “re-education” or “de-extremification” facilities since 2017. More than 380 suspected detention facilities in XUAR have been built or expanded since 2017, according to the Australian Strategic Policy Institute. There are reports of widespread rape, sexual abuse and torture of ethnic minorities in these facilities. An estimated 880,000 children in XUAR — whose parents are allegedly detained or in exile — have been placed in state-run orphanages or boarding schools. 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.

Approximately 100,000 Uyghurs are also working under conditions that strongly suggest forced labor. Reports have identified at least 135 detention facilities in XUAR that have on-site factories where detainees are allegedly forced to work. An August 2022 report by the UN Special Rapporteur on contemporary forms of slavery determined that forced labor

among Uyghur, Kazakh and other ethnic minorities has been occurring in sectors such as agriculture and manufacturing. The Helena Kennedy Centre for International Justice has reported that over 100 international brands may be tied to Uyghur forced labor-produced cotton while the Coalition to End Forced Labour in the Uyghur Region has found that 45 percent of the world's polysilicon comes from XUAR, implicating nearly the entire global solar panel industry.

The governments of Canada, the United Kingdom (UK) and the US and the EU have sanctioned Chinese government officials and taken steps to ban goods tied to Uyghur forced labor. The US government's Uyghur Forced Labor Prevention Act, which took effect in June 2022, prevents the import of goods made "in whole or in part" in XUAR from entering the country.

Leaked Chinese government documents reveal that the crackdown against Uyghurs and other majority-Muslim ethnic groups was a result of pressure from senior officials, including President Xi Jinping. The former Communist Party Secretary of XUAR, Chen Quanguo, subsequently intensified Uyghur persecution and expanded the detention camps. The "Xinjiang Police Files" further implicate top officials and demonstrate how so-called counterterrorism is used to justify the arbitrary detention of Uyghurs.

These measures have been imposed in conjunction with increased restrictions on religious practice. 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. Uyghurs in XUAR and around the world also face surveillance, including with the use of spies, which reinforces fear and social control by the Chinese government. Chinese authorities have engaged in the systematic destruction of Uyghur cultural heritage, demolishing or damaging thousands of mosques, shrines, cemeteries and pilgrimage sites, as well as several tangible and intangible Uyghur, Kazakh and Kyrgyz cultural items listed by the UN Educational, Scientific and Cultural Organization (UNESCO).

In January 2021 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, the EU, France, Lithuania, the Netherlands and the UK have also recognized the situation in XUAR as constituting genocide and/or crimes against humanity.

## RECENT DEVELOPMENTS

Former UN High Commissioner for Human Rights, Michelle Bachelet, released a report on the human rights crisis in XUAR in August 2022. The report determined that the extent of arbitrary and discriminatory detention of Uyghurs and other majority-Muslim ethnic groups may constitute crimes against humanity, and that conditions remain in place for serious

human rights violations to continue. The report also questioned the Chinese government's claims that its policies are for counterterrorism purposes.

During the UN Human Rights Council's (HRC) 51st session in September 2022, Canada, the US, the UK, Australia and a group of Nordic countries led a resolution aimed at holding a debate on the High Commissioner's report. Although the resolution was rejected by narrow vote, it marked the first time the HRC considered formal action on China. In November 2022 CERD released a series of recommendations on XUAR and referred the situation to the UN Secretary-General's Special Adviser on the Responsibility to Protect.

## ANALYSIS

The widespread and systematic persecution of Uyghurs and other majority-Muslim ethnic groups on religious, cultural, ethnic and gender grounds; enforced disappearances; forcible transfers; 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 likely 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 Chinese government's systematic destruction of cultural heritage aims to erase the history and identity of Uyghurs and other groups, providing further evidence of genocide. The imposition of strict control over populations in XUAR, including with mass surveillance, facilitates ongoing persecution.

Recent efforts by UN member states to mobilize the HRC to hold a formal discussion on XUAR constitutes an important step to increase scrutiny of ongoing atrocity crimes perpetrated by Chinese authorities.

## RISK ASSESSMENT

- A history of institutionalized discrimination due to real or perceived threats posed by Uyghurs and other majority-Muslim ethnic groups.
- Dangerous rhetoric used by the Chinese government to depict Uyghurs and other majority-Muslim groups as terrorists.
- Widespread or systematic practices or violence against the lives, freedom or physical and moral integrity of Uyghurs and other majority-Muslim ethnic groups, including policies that indicate an intent to erase and/or forcibly assimilate populations in XUAR.



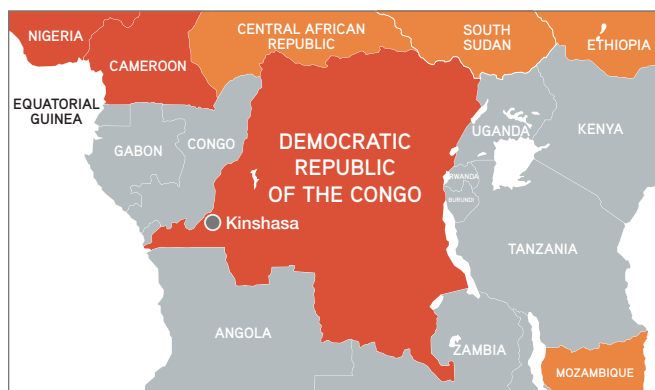
- Policies or measures that seriously affect the reproductive rights of women, including through forced sterilization.
- Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or their cultural or religious symbols and property.

## 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.”

At the HRC’s upcoming 53rd session, member states should re-introduce a resolution to debate the High Commissioner’s report on the human rights crisis in XUAR. In the absence of a UN mechanism mandated to investigate XUAR, other relevant UN experts, including the High Commissioner for Human Rights, should prioritize monitoring the region and provide regular updates to member states. UNESCO should also investigate cultural destruction in XUAR.

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 tied to forced labor in China.



## DEMOCRATIC REPUBLIC OF THE CONGO

Various armed groups in the Democratic Republic of the Congo continue to indiscriminately attack civilian populations, particularly in the east, and commit violations that may amount to crimes against humanity.

### BACKGROUND

Attacks by armed groups and recurring inter-communal violence have threatened populations in the eastern provinces of the

Democratic Republic of the Congo (DRC) for nearly 30 years. More than 120 militias and armed groups actively operate in the eastern provinces, many of whom regularly perpetrate widespread violations and abuses that may amount to crimes against humanity and war crimes. While combating armed groups, the government’s armed forces (FARDC) and police have also been implicated in widespread violations of IHL and IHRL, including sexual violence, torture and arbitrary killings, some of which may amount to crimes against humanity and war crimes. According to the UN Refugee Agency (UNHCR), at least 6.3 million Congolese are internally displaced, 65 percent of whom are in Ituri and North Kivu provinces.

Despite military offensives conducted by the FARDC, with assistance from the UN peacekeeping mission (MONUSCO), violence has escalated amidst a surge in attacks by groups like the Allied Democratic Forces (ADF), Cooperative for the Development of Congo (CODECO) and the March 23 Movement (M23). The government declared military rule in North Kivu and Ituri provinces under a so-called “state of siege” to confront armed groups in May 2021, but in the subsequent year the civilian death toll nearly doubled from the previous 12 months.

The ADF, an armed group that has been implicated in “brutal and systematic” attacks that may amount to crimes against humanity and war crimes, has escalated their assault on civilians in North Kivu and Ituri. In addition to the state of siege, in November 2021 the FARDC and the Uganda People’s Defence Force launched a joint offensive against the ADF, however, the military operations have failed to end the group’s attacks and their territorial scope has expanded.

In Ituri, factions of CODECO – a predominantly ethnic Lendu armed group – have perpetrated widespread attacks on villages, killing hundreds of mostly ethnic Hema villagers. CODECO fighters have also committed attacks on displacement sites in Djugu territory marked by killings, kidnappings, gang-rape, looting and torching of homes and shelters. The UN has previously accused the group of potential crimes against humanity during inter-communal violence between the Lendu and Hema communities. CODECO fighters have also clashed with militants from the “Zaire” group, often over the control of gold mines.

M23, which was previously militarily defeated by the FARDC in 2013, launched a renewed offensive in late 2021 against the FARDC and allied militias in North Kivu. Clashes and the indiscriminate use of explosive and heavy weapons have resulted in hundreds of civilian casualties and forced more than 1.16 million people to flee since the fighting intensified in March 2022. Throughout their offensive, M23 has captured large swathes of territory and attacked villages, summarily killing, raping, kidnapping or torturing civilians in areas under its control. In attempts to stem M23’s offensive, the FARDC utilized and supported as proxies armed groups who have previously been implicated in widespread abuses and atrocities.

## RECENT DEVELOPMENTS

The security situation in Ituri and North Kivu has continued to deteriorate in recent months despite regional diplomatic efforts by the East African Community (EAC) and International Conference on the Great Lakes Region (ICGLR), as well as the March 2023 visiting mission by the UNSC. There has been a surge in deadly attacks and abuses, with CODECO, ADF and M23 responsible for the death of at least 530 victims between December and March. At least 150 additional civilians were killed in the first two weeks of April alone in Ituri. UNICEF reported a 37 percent increase in incidents of sexual violence in North Kivu during the first three months of 2023 compared to the same period last year. In May the Southern African Development Community (SADC) agreed to deploy troops “to restore peace and security in eastern DRC.”

During April M23 withdrew from several areas of North Kivu. Despite this, M23 continues to be active and attack civilians, including reportedly killing at least 60 civilians in Rutshuru during late April, according to local authorities. Amnesty International received testimony from residents in Kishishe, Bambo and Bugina of abuses perpetrated by M23 that may amount to war crimes and crimes against humanity.

Ahead of presidential elections scheduled for December 2023, Congolese authorities have imposed growing restrictions on civic and political space, including obstructions on the rights to freedom of expression, press, association and peaceful assembly; arbitrarily detained and threatened opposition leaders, journalists and human rights defenders; and violently suppressed peaceful demonstrations. According to OHCHR, there appears to be systematic efforts to prevent civil society from investigating allegations of human rights violations and abuses involving the FARDC, particularly in conflict areas. On 20 May the police used excessive force against opposition protesters, prompting condemnation from MONUSCO, the US and the EU, among others.

On 29 May the Chief Prosecutor of the ICC arrived in the DRC to set a roadmap with Congolese authorities to address impunity for crimes under the Rome Statute, as well as meet with affected communities in the eastern provinces.

## ANALYSIS

For nearly 30 years various armed groups have exploited the absence or weakness of state authority in eastern DRC to perpetrate attacks against civilians. Rampant impunity and competition for control of profitable minerals have enabled the proliferation of armed groups.

Widespread violence across the eastern provinces is straining the capacity of the FARDC and MONUSCO to provide adequate protection. FARDC offensives often trigger violent reprisals by armed groups who target civilians.

The UNSC-mandated Panel of Experts and several others have alleged that Rwanda supported M23 in 2013 and has provided logistical support and fought alongside the group during its resurgence since November 2021. M23’s renewed offensive has aggravated regional tensions and provoked a dramatic increase in hate speech and incitement to discrimination in DRC, particularly targeting Tutsis/Banyarwanda individuals and others of or presumed to be of Rwandan descent. There is a history in eastern DRC of anti-Tutsi sentiment and rhetoric targeting people who speak Kinyarwanda that have long been perceived as “foreigners” or “invaders” and subject to systematic discrimination.

## RISK ASSESSMENT

- Mobilization of armed groups, as well as the use of armed groups as proxies.
- Increased inflammatory rhetoric and hate speech and the absence of independent mechanisms to combat it.
- Crack down on civic space, including backsliding on fundamental human rights and democratic space, have created a climate of growing intolerance.
- Long-standing, unaddressed inter-communal tensions and rivalries, as well as the politicization of identity.
- Rising cross-border tensions between Rwandan and Congolese officials and their appeals to ethnic loyalties.

## NECESSARY ACTION

The DRC government, MONUSCO and the joint EAC force must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups. The DRC government and MONUSCO should enact measures to re-establish trust with communities, including by consulting with civilian populations and civil society about protection needs. The government must ensure all state agents responsible for human rights violations and abuses are held accountable. The DRC government should implement a vetting process within the FARDC to identify and provisionally remove individuals who may have been implicated in serious human rights violations while cases are pending.

Neighboring states should continue to uphold the “Peace, Security and Cooperation Framework for the DRC and the region” and ensure that forces deployed to eastern DRC refrain from illicit activities. The international community should suspend military assistance to governments found to be supporting armed groups.

The government, with the support of MONUSCO, should implement measures to mediate inter-communal tensions. MONUSCO, OHCHR and the Special Adviser on the Prevention of Genocide should continue to mobilize authorities and civil society to condemn hate speech and the stigmatization and racial profiling of communities.



## ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

Populations in Israel and the Occupied Palestinian Territory endure recurring war crimes and crimes against humanity, including the crime of apartheid.

### BACKGROUND

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been illegally occupied by Israel since 1967. Since then, the Israeli government has established a two-tiered legal and political system that provides comprehensive rights for Jewish Israeli settlers while imposing military rule and control on Palestinians without any basic protections or rights under international law. The Israeli government has also engaged in a regular practice of inhumane acts, as well as extrajudicial killings, torture, denial of fundamental human rights, arbitrary detention and collective punishment. The HRC-mandated Col on the Occupied Palestinian Territory (OPT), including East Jerusalem, and Israel concluded in June 2022 that continued occupation, as well as discrimination against Palestinians, are the key causes of recurrent instability and protraction of conflict in the region.

According to a March 2022 report by the UN Special Rapporteur on the situation of human rights in the OPT, Israel's political system of entrenched rule in the OPT satisfies the prevailing evidentiary standard for the crime of apartheid. The Special Rapporteur determined in July 2021 that Israel's 55-year occupation has been characterized by settlement expansion that aims to permanently alter the ethnic demographics of East Jerusalem and amounts to a war crime. The UNSC previously adopted a resolution in December 2016 reaffirming that Israeli settlements in the OPT violate international law. The Col reached similar conclusions in September 2022, reporting that the Israeli government's policies and actions have led to the permanent occupation and de facto annexation of Palestinian territory, likely constituting crimes under international law, including war crimes. Both the Col and Special Rapporteur have reported that this ongoing coercive environment has prevented

Palestinians from fulfilling their right to self-determination and other fundamental human rights. In December 2022 the UN General Assembly (UNGA) requested the International Court of Justice (ICJ) to give an advisory opinion on the legal consequences of Israel's ongoing occupation.

Palestinians are regularly subjected to violence by Israeli settlers, including physical attacks, shooting with live ammunition, torching of fields and livestock, theft and vandalism of property. Israeli security forces also perpetrate widespread attacks against Palestinians, particularly in occupied territory, which often lead to deadly escalations, including regular disproportionate aerial bombardments of the blockaded Gaza Strip. In May 2021 indiscriminate rocket fire by Hamas and airstrikes by Israel killed and injured over 2,170 Palestinians in Gaza and killed at least 12 Israelis.

According to OCHA and OHCHR, 2022 was the deadliest year for Palestinians residing in the Occupied West Bank, including East Jerusalem, since 2005, with over 150 Palestinians, including 26 children, killed by Israeli security forces. These often follow attacks or incursions by settlers into Palestinian villages and include search-and-arrest operations and violent confrontations with Palestinians.

Meanwhile, Israel's air, sea and land blockade of Gaza has been in place for nearly 16 years and has inflicted collective punishment on 2 million Palestinians, facilitating a humanitarian crisis. Israeli authorities periodically shut down the crossings into Gaza, preventing the flow of people, medical cases and essential commodities, including food. Hamas' security forces have also committed grave abuses against civilians in Gaza, including arbitrary arrests, summary executions and torture.

OHCHR also continues to document assaults, gender-based violence, harassment, excessive use of force, arbitrary arrests and censorship of Palestinian journalists and human rights defenders by Israeli security forces throughout Occupied Palestine. These incidents have resulted in the injury or killing of several Palestinian journalists.

### RECENT DEVELOPMENTS

According to OCHA, 568 Palestinian-owned structures have been demolished or seized by Israeli government authorities in 2023 so far, forcibly displacing over 558 Palestinians.

For the third year in a row, Israeli forces carried out violent raids on the Haram Al-Sharif compound and Al-Aqsa Mosque during the holy month of Ramadan. From 5-6 April 2023 Israeli forces violently entered the mosque and injured dozens by using stun grenades and tear gas, firing sponge-tipped bullets and indiscriminately beating Muslim worshippers, including the elderly and women. Over 450 Palestinians were subsequently detained. Similar raids injured over 170 Palestinians in 2022 and more than 1,000 in 2021. From 9-13 May hostilities escalated

between Israel and Palestinian armed groups in Gaza following the launch of an Israeli military operation. Israel carried out airstrikes and shelling across the blockaded and besieged Gaza Strip while Palestinian armed groups fired numerous rockets toward Israel. OHCHR verified 32 Palestinian deaths, including at least 13 civilians, while the Ministry of Health in Gaza confirmed at least 106 Palestinians injured, including 36 children and 21 women. In Israel, two people were killed and 35 injured.

In January Israeli Prime Minister Benjamin Netanyahu promised a series of punitive steps against Palestinians, including measures to “strengthen settlements” and sanctions against families of alleged Palestinian attackers. Since then, raids by Israeli security forces have resulted in civilian casualties while shootings by armed Palestinians and attacks by Israeli settlers have increased. In late March the Israeli government repealed part of the 2005 Disengagement Law – legislation which had previously ordered Israeli settlers to evacuate parts of the Occupied West Bank. In doing so, the government allowed settlers to return to four illegal settlements and advanced over 7,200 new settlement housing units. The Israeli government has also authorized plans for a “national guard” at the disposal of the National Security Minister to target “civil unrest,” which experts warn will be used to target Palestinian communities.

## ANALYSIS

The systematic nature of human rights violations and inhumane acts in the OPT likely amounts to crimes against humanity while the collective punishment of Palestinians as a coercive measure of population control may amount to a war crime. Under the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Rome Statute of the ICC, apartheid is a crime against humanity. Israel’s two-tiered legal system has institutionalized the systematic racial oppression of Palestinians.

Article 49 of the Fourth Geneva Convention prohibits an occupying power from transferring parts of its civilian population into occupied territory, also known as “settler implantation.” Seizures and demolitions of Palestinian and Bedouin land and property leave communities at heightened risk of forced evictions, arbitrary displacement and forcible transfer. Israel’s permanent and illegal occupation endangers the cultural existence of the Palestinian people and violates their right to self-determination.

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 effective accountability for past crimes by Israeli forces, Hamas or Palestinian armed groups, including potential war crimes.

## RISK ASSESSMENT

- Institutionalized systematic racial oppression and discrimination against Palestinians, meeting the prevailing

evidentiary standard for the existence of the crime of apartheid.

- Ongoing disproportionate violent attacks on Palestinians and occupied territory by Israeli security forces, including collective punishment of Palestinian communities.
- Perpetual occupation amounting to de facto and illegal annexation of Palestinian land, paired with illegal transfer of the occupier’s population into occupied territory and the expansion of settlements.
- Hate speech and incitement to violence between groups.

## NECESSARY ACTION

Israel must lift the blockade on Gaza and cease illegal settlement-related activity and apartheid policies. It should also end the occupation of Palestinian territory and collective punishment of Palestinians. Israeli authorities must cooperate with all UN-mandated investigative mechanisms. All parties should condemn anti-Semitic and anti-Arab hate speech and cooperate fully with the investigations of the ICC and Col.

All parties must work toward 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, regardless of ethnicity or religion.

The international community should impose accountability measures for violations of international law in Israel and the OPT. The ICC should investigate all potential war crimes or crimes against humanity perpetrated in the OPT, including the crime of apartheid.



## MYANMAR (BURMA)

Populations in Myanmar are facing crimes against humanity and war crimes perpetrated by the military following the February 2021 coup.

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### BACKGROUND

On 1 February 2021 Myanmar's (Burma) military – the Tatmadaw – led 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 re-imposition of military rule, while numerous civilian militias – known as People's Defence Forces (PDFs) – have also formed as part of an armed resistance. Abuses committed by the military since the coup likely amount to crimes against humanity and war crimes.

Over 3,596 people have been killed by the security forces since February 2021, and more than 18,522 people remain detained for resisting the coup, according to the Assistance Association for Political Prisoners. The military has charged members of the National Unity Government (NUG) – a coalition of democratic opponents formed in opposition to military rule – with high treason and pronounced that the NUG and PDFs are terrorist organizations. At least 1.5 million people have been displaced since the coup.

The Tatmadaw has targeted civilian areas with airstrikes, scorched earth campaigns and other attacks, particularly in the anti-military strongholds of Magway and Sagaing regions and Chin, Kachin, Shan, Kayah and Karen states, resulting in civilian casualties and mass displacement. 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 in many of the same areas that it continues to attack today. According to OCHA, an estimated 34,000 civilian properties have been burned or destroyed since the coup.

In April 2021 the Association of Southeast Asian Nations (ASEAN) agreed to a "Five-Point Consensus," calling for a cessation of hostilities and other steps to mitigate further conflict in Myanmar. In June 2021 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. In December 2022 the UNSC passed a resolution condemning the human rights crisis, demanding an end to the violence and calling for political prisoners to be released.

A number of governments have imposed targeted sanctions or suspended development funds in response to the coup. The Republic of Korea restricted military exports and suspended defense exchanges. Oil conglomerates TotalEnergies and Chevron announced in January 2022 their withdrawal over the human rights crisis. Canada has banned the supply of aviation fuel to Myanmar and the UK imposed sanctions against companies supplying Myanmar's military with aviation fuel.

In August 2017 the military launched so-called "clearance operations" in Rakhine State with the purported aim of confronting the Arakan Rohingya Salvation Army. During those operations the majority of Myanmar's Rohingya population were forced to flee, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. In 2018 the HRC-mandated Fact-Finding Mission (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.

Numerous processes are underway to investigate and potentially hold perpetrators accountable for crimes against the Rohingya. This includes the UN Independent Investigative Mechanism for Myanmar, an ICC investigation and a trial at the ICJ initiated by The Gambia in November 2019, accusing Myanmar of violating its obligations under the Genocide Convention. Several states have announced their intention to intervene in the case, including Canada, Germany, the Netherlands and the UK. Several cases have also been opened under the principle of universal jurisdiction, including in Argentina and Germany.

### RECENT DEVELOPMENTS

On 11 April military jets perpetrated an aerial attack in Pa Zi Gyi village, Sagaing Region, reportedly killing over 165 people, including women and children, in the deadliest single attack since the February 2021 coup. The military claimed it was targeting the opening ceremony of a PDF office. Since then, the military has continued its aerial assaults, including further airstrikes on Pa Zi Gyi.

Populations in Myanmar also remain at risk as ethnic armed groups and the military clash. On 5 April members of the Karen National Liberation Army reportedly launched attacks on a

military camp in Shwe Kokko, Kayin State. The ensuing violence prompted more than 10,000 people to flee to Thailand.

Meanwhile, the military is taking steps to block anti-military parties. On 28 March the military banned and effectively dissolved 40 political parties, including the National League for Democracy which had been the party in power at the time of the coup. The UN Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, and others have warned that if the military were to hold elections, they would not be free or fair and urged the international community to denounce them.

## ANALYSIS

Impunity for past atrocities has enabled the military to continue committing widespread and systematic human rights violations and abuses against civilians, particularly those from ethnic minority populations. The risk of further war crimes and crimes against humanity remains high as the Tatmadaw continues to target civilians and the armed resistance. The Tatmadaw's reported use of surveillance technology and internet shutdowns appears to help facilitate the commission of atrocities and shield itself from accountability.

Divisions within the UNSC have consistently hampered the development of a coordinated international response to atrocities in Myanmar. The only formal action 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." Since the coup, the UNSC has adopted one resolution. Regional bodies have also been ineffective. Despite the failed implementation of the Five-Point Consensus, ASEAN continues to rely on the strategy as its main approach and the UNSC has consistently deferred to the regional body in place of action.

The coup and ongoing hostilities complicate the prospects for the safe, dignified and voluntary repatriation of Rohingya refugees from Bangladesh. Given its history, the military is unlikely to address the denial of citizenship for the Rohingya since the 1982 Citizenship Law rendered most of the population stateless.

## RISK ASSESSMENT

- Impunity for decades of atrocity crimes perpetrated by the military.
- History of institutionalized persecution and discrimination against ethnic minority groups.
- The military's continued access to weapons, aviation fuel and money, providing the means to perpetrate atrocities.
- Indiscriminate attacks on civilian infrastructure while targeting anti-military strongholds.
- Increasing legal restrictions on anti-military voices, including dissolution of major political parties.

## NECESSARY ACTION

The UNSC should impose a comprehensive arms embargo and targeted sanctions on Myanmar and refer the situation to the ICC. China, Russia, Serbia and India must halt weapons transfers to Myanmar's military. All UN member states, regional organizations and the UNSC should impose economic sanctions on Myanmar's oil and gas sector, particularly the Myanma Oil and Gas Enterprise. States should also block the military's access to aviation fuel. Foreign companies should immediately divest and sever ties with all businesses linked to Myanmar's military, including the Directorate of Defence Industries.

ASEAN member states should condemn the Tatmadaw and increasingly engage with the NUG. The military junta should not be diplomatically recognized as the legitimate representatives of Myanmar.

More states, particularly Canada, Germany, the Netherlands and the UK, should formally intervene in the ICJ case. General Min Aung Hlaing and other senior military leaders who bear responsibility for atrocity crimes should face international justice.



## NICARAGUA

The government of Nicaragua is committing possible crimes against humanity in a systematic attempt to crush dissent.

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## BACKGROUND

In April 2018 tens of thousands of people took to the streets in Nicaragua to protest severe pension cuts. Police, at times in coordination with pro-government armed elements, were accused of using disproportionate force against protesters, which triggered an escalation in the demonstrations. At least 320 people were killed and 2,000 injured between April and September 2018. The UNSC held a briefing on the situation in September 2018, during which the government of Costa Rica highlighted the international community's responsibility to protect populations in Nicaragua.

An August 2018 report by the UN High Commissioner for Human Rights detailed widespread and systematic violations and abuses that may amount to crimes against humanity. Further research by the Inter-American Commission on Human Rights (IACHR)-mandated Interdisciplinary Group of Independent Experts determined that crimes against humanity, including murder, persecution and arbitrary deprivation of liberty, were committed by the government between April and May 2018. In response to these reports, the government expelled OHCHR and the Group of Independent Experts from the country.

Since then, Nicaragua has been experiencing a human rights crisis caused by the gradual erosion of the rule of law and a rapid descent into authoritarianism. The government has engaged in a broad campaign of repressing dissenting voices, including human rights defenders, women's rights groups, journalists, religious and community leaders, students and academics, business owners and political opponents, as well as violence against indigenous and Afro-descendant peoples. Various government structures are committing widespread human rights violations and abuses against civilians that may amount to crimes against humanity, including persecution, murder, imprisonment, torture and sexual violence, deportation and politically motivated persecution. Repression further intensified in the context of the 2021 presidential elections, when the government banned large parts of the opposition from participating, including through criminal prosecutions of presidential candidates.

A systematic crackdown on civic space has resulted in the forced shut down of nongovernmental organizations (NGOs) and independent media outlets and the prosecution of independent journalists on charges of hate crimes and terrorism. Official numbers provided by the HRC-mandated Group of Human Rights Experts on Nicaragua (GHRE) and OHCHR suggest that over 3,000 NGOs were forcibly shut down since December 2018 – more than half of which were closed since September 2022 alone.

Ongoing political persecution has forced many Nicaraguans to flee, with more than 150,000 refugees or asylum seekers in neighboring Costa Rica alone. According to UNHCR, Nicaraguans constituted the third largest population applying for asylum in the first six months of 2022.

## RECENT DEVELOPMENTS

Since early February 2023 the government has revoked the citizenship of more than 300 alleged political opponents. On 9 February Nicaraguan authorities forcibly deported 222 of these individuals, who had been arbitrarily detained for political reasons, and sent them to the US. On 3 May at least 40 government critics, including political opponents, independent journalists, human rights defenders and peasant activists, were detained in a massive police raid overseen by President Ortega and Vice President Murillo. According to

the newspaper *El País*, this operation was likely the highest number of detentions registered on a single day since the so-called "Operation Clean-Up" in 2018.

In its first report released on 2 March 2023, the GHRE found that the Nicaraguan government, as well as pro-government groups, have committed crimes against humanity as part of a systematic campaign to "eliminate, by different means, any opposition in the country." President Daniel Ortega and his wife, Vice President Rosario Murillo, have dismantled checks and balances and civic space and instrumentalized the country's executive, judicial, legislative and electoral branches. On 3 April the HRC renewed the mandate of the GHRE for a period of two years and requested the High Commissioner strengthen monitoring and engagement through additional reporting to the HRC.

## ANALYSIS

Ongoing crimes against humanity have been facilitated in part by the deliberate dismantling of democratic institutions and safeguards, as well as impunity for human rights violations since President Ortega took office in 2007. President Ortega's absolute control over the country's institutions have created a state apparatus that enables systematic policies to silence dissenting voices. In the absence of an independent national judicial system, domestic avenues to ensure justice and redress for victims of state-led violence remain elusive.

No independent media outlet can operate within Nicaragua. The collapse of civic space exemplifies the government's further descent into authoritarian rule. Arbitrary criminal prosecutions are used as an instrument of political persecution, which has expanded over time and now targets a broad and diverse range of dissenting voices.

Since the expulsion of OHCHR and IACHR in 2018, no independent human rights monitoring body has been able to access the country. Nicaragua's isolation from regional and international institutions also helps facilitate the commission of atrocity crimes. Ongoing investigations and public reporting by the GHRE remain crucial to ensure international scrutiny on the deteriorating crisis.

Patterns of violence against opponents – including psychological torture – often vary by gender, with specific methods of torture targeting and inflicted upon women.

## RISK ASSESSMENT

- Political motives by the Ortega administration to maintain absolute power over the state facilitates systematic abuses.
- Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors limits public scrutiny of the government and consequently enables ongoing persecution.

- Lack of cooperation by Nicaraguan authorities with international and regional human rights mechanisms, creating significant protection gaps for populations at risk.
- Instrumentalization of the country's judicial system facilitates the persecution of actual or alleged opponents. Pervasive impunity for violations committed before and since 2018 enables ongoing crimes against humanity.
- Ongoing violence against indigenous and Afro-descendant peoples.

## NECESSARY ACTION

The government of Nicaragua must immediately halt the persecution of actual or alleged opponents, allow independent media and civil society organizations to operate safely and freely and immediately release all arbitrary detained individuals. The government should commit to full and meaningful cooperation with regional and international human rights monitoring mechanisms, including by granting unfettered access to the GHRE. All human rights violations and abuses, including those resulting from political violence, should be independently investigated and those responsible must be held accountable, including at the highest level of government.

UN member states should utilize the evidence collected by the GHRE to pursue accountability for victims, including through universal jurisdiction.

Governments and regional institutions should maximize pressure on the Nicaraguan government to end systematic repression, including when negotiating development or other financial cooperation, and strengthen and expand a robust individual sanctions regime against perpetrators at the highest level within the Nicaraguan government.



## NIGERIA

Attacks by armed bandit groups, as well as continued violence by Boko Haram and the Islamic State in West Africa, leave civilians in Nigeria at risk of mass atrocity crimes.

## BACKGROUND

Since 2011 recurrent violence between herding and farming communities, rooted in competition over scarce resources, has escalated in central and north-west Nigeria with armed groups and gangs engaging in organized cattle-rustling, kidnapping, plunder, murder and rape. Largely in response to growing inter-communal tensions, armed bandit groups have formed and perpetrated widespread abuses, displacing hundreds of thousands of people. In January 2022, under the Terrorism Prevention Act, the Nigerian government designated these groups as “terrorists.”

Violence perpetrated by armed extremist groups, namely Boko Haram and the so-called Islamic State in West Africa (ISWA), against civilian and military targets has also resulted in mass atrocities in northern Nigeria. More than 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. Their tactics include killings, suicide bombings, abductions, torture, rape, forced marriages and the recruitment of child soldiers, as well as attacks that are directed against government infrastructure, traditional and religious leaders and the civilian population. According to UNICEF, there have been over 2,400 verified incidents of grave violations against children, including forced recruitment, abductions, killing and maiming, affecting 6,800 children in northeast Nigeria alone since 2014. Access to education has been significantly impacted with more than 1,500 schools closed and 910 destroyed. There are at least 1.8 million internally displaced persons (IDPs) in the northeastern states of Adamawa, Borno and Yobe while health services have been severely disrupted. These groups have also perpetrated attacks in neighboring countries, killing and displacing civilians



in Cameroon, Chad and Niger. In 2015 the AU authorized the regional Multinational Joint Task Force (MNJTF) to combat armed extremism.

During counterterrorism operations, Nigerian security forces have reportedly committed human rights violations and used excessive force, including extrajudicial killings, rape, torture and arbitrary detentions against suspected Boko Haram and ISWA members, as well as civilians. The Nigerian military has allegedly run a secret, systematic and illegal abortion program in Adamawa, Borno and Yobe states that has terminated at least 10,000 pregnancies since 2013, according to an investigation by Reuters. Many of the women and girls in the abortion program had been kidnapped, forcibly married, beaten and repeatedly raped by members of Boko Haram.

On 11 December 2020 the Chief Prosecutor of the ICC announced the completion of a preliminary examination into the situation in Nigeria, concluding that there is reasonable basis to believe that Boko Haram and Nigerian security forces have committed war crimes and crimes against humanity.

According to OCHA, the security situation has resulted in a humanitarian emergency, with more than 8.4 million people – approximately 80 percent of whom are women and children – requiring urgent assistance. In July 2022 UNICEF and the World Food Programme (WFP) launched the Resilience and Social Cohesion Project, aimed at enhancing peace, increasing livelihood opportunities and providing humanitarian assistance to vulnerable populations in Borno and Yobe states.

## RECENT DEVELOPMENTS

During the first week of February 2023 at least 100 people were killed in clashes between armed bandits and local vigilantes in Kankara local government area, Katsina State. On 7 April at least 80 people, mostly children and women, were kidnapped in Tsafe local government area, Zamfara State. In Runji, Kaduna State, armed bandits allegedly destroyed 40 houses and killed 33 people on 16 April. That same day, scores of people were killed in attacks on at least four communities in Mangu and Bokkos local government areas of Plateau State.

In an attempt to curb the activities of armed bandits, the government has intensified its military operations in affected areas, including through airstrikes where such groups operate. Over 100 civilians were killed in government airstrikes in December and January in Nasawara, Benue and Zamfara states. On 2 February the UN Special Adviser on the Prevention of Genocide issued a statement urging the Nigerian authorities to ensure that counterterrorism operations are conducted in full respect of IHRL and IHL and called upon the authorities to investigate the airstrikes and hold perpetrators accountable.

Since March 2023 violence between herding and farming communities in Benue and Plateau states has increased. On 5

April suspected herdsmen killed at least 46 people in Umogidi. On 7 April at least 38 people, including 30 women, were killed after suspected herdsmen attacked a primary school in Mgbam that housed IDPs. On 15 May armed men, allegedly Fulani herdsmen, attacked at least 20 villages in Mangu, killing at least 100 people, including many women and children.

## ANALYSIS

Nigeria's armed forces have been deployed in two-thirds of the states in the country and are overstretched as Boko Haram, ISWA and bandit groups expand their areas of operation. Despite notable progress by the MNJTF against Boko Haram, civilians remain at risk of attacks and identity-based violence.

Violence between herders and farmers has increased in recent years as population growth has led to an expansion of the area dedicated to farming, leaving less land available for open grazing by cattle herds. Growing desertification has also exacerbated tensions between communities as the loss of grazing land in the north has driven many ethnic Fulani herdsmen, who are mainly Muslim, southward into areas farmed by settled communities that are predominantly Christian. While armed bandit groups are driven largely by criminal motives, many bandits are ethnic Fulani and prey on settled farming communities, exacerbating existing ethnic tensions.

## RISK ASSESSMENT

- Patterns of violence against civilians, or members of an identifiable group based on their ethnicity or religion, as well as their property, livelihoods and cultural or religious symbols.
- Multiple security crises caused by a proliferation of armed groups, criminal gangs and terrorist groups.
- Climate and weather extremes causing increased competition over and exploitation of scarce resources.
- Increased politicization of identity, past events or motives to engage in violence and growing radicalization or extremism of opposing parties within a conflict.
- Lack of awareness and training on IHRL and IHL for military forces, irregular forces and non-state armed groups.

## NECESSARY ACTION

While the lack of adequate military protection for vulnerable populations needs to be urgently addressed, social initiatives and political reforms remain crucial for confronting 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.

Utilizing ECOWAS' Early Warning System, the government should increase police and military deployments to vulnerable areas while ensuring strict adherence to IHL and IHRL 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.

The government of Nigeria needs to investigate all attacks against civilians and hold perpetrators of atrocity crimes accountable. The Chief Prosecutor of the ICC must immediately request authorization to open an investigation into alleged crimes committed by armed extremist groups and government security forces.



## SUDAN

Populations in Sudan are at risk of atrocity crimes due to an armed confrontation between the Sudanese Armed Forces and the paramilitary Rapid Support Forces. Escalating inter-communal and localized violence also pose a threat to populations.

### BACKGROUND

On 15 April violent clashes broke out between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). While Khartoum has been the epicenter of the fighting, violence has escalated and spread across Sudan, with clashes reported in Nyala, El Fashir, Zalingey, El Geneina, El Obeid, Port Sudan, Kassala and Kordofan states. As of 31 May, at least 863 people, including 190 children, were killed and 5,000 injured as result of heavy fighting, aerial bombardments and shelling. In their fight to preserve and expand control, General Abdel Fattah al-Burhan, commander of the SAF, and General Mohamed Hamdan “Hemedti” Dagalo, commander of the RSF, initially targeted each other’s military installations, but rocket shells and bombardments have also hit residential neighborhoods and hospitals. The clashes between the RSF and SAF were sparked following mounting tensions regarding the integration of the RSF into Sudan’s regular forces as part of a political agreement aiming to establish a new transitional civilian authority.

Although Sudan has undergone significant political changes since former President Omar al-Bashir was overthrown after country-wide protests in 2019, its democratic transition faltered. Leadership was handed over to a joint civilian-military transitional Sovereign Council until the military – under the leadership of General Burhan and supported by General Hemedti – seized power on 25 October 2021 and arrested civilian leaders. Following the coup, millions of protesters demonstrated across the country, demanding the reinstatement of a genuine civilian-led government. While attempting to curb demonstrations, security forces were accused of perpetrating excessive and deadly violence against protesters, including sexual and gender-based violence and arbitrary arrests.

The enduring political crisis is impacting various regions of the country, with populations in Darfur, Blue Nile, South Kordofan and other regions remaining at risk of atrocity crimes. Inter-communal and localized violence in Darfur, Kordofan and Blue Nile State has escalated since the October 2021 coup, resulting in civilian casualties, destruction of property and human rights violations. The current fighting between the SAF and RSF has triggered inter-communal clashes, particularly in West Darfur.

### RECENT DEVELOPMENTS

The UN Secretary-General, AU, sub-regional organizations and various countries have strongly condemned the recent outbreak of violence. Diplomatic efforts by the UN, regional and sub-regional organizations, and Saudi Arabia and the US have not resulted in a permanent end to hostilities. Although the parties signed an Agreement on a Short-Term Ceasefire and Humanitarian Arrangements on 20 May, which was subsequently enforced from 22-28 May, fighting continued in various hotspots. On 27 May the AU’s Peace and Security Council, at the Heads of State and Government level, adopted the “AU Roadmap for the Resolution of the Conflict in Sudan.”

Since violence broke out in April, rocket shells and bombardments have hit civilian property. RSF fighters have allegedly looted residential areas and gone house-by-house to demand water and food, as well as to take strategic positions. Civilians remain stuck inside homes, schools and hospitals, without food, medical care and other essential services. According to the International Organization for Migration, at least 1.65 million people have been displaced since 15 April, including more than 1.2 million IDPs. Over 425,000 people have fled to neighboring countries.

Civilians are also facing the risk of increased inter-communal violence as both forces fight for control and armed groups mobilize along ethnic lines. Intense clashes between Arab communities and the non-Arab Massalit in El Geneina, West Darfur, resulted in at least 191 people killed at the end of April, according to the Norwegian Refugee Council. Hospitals,

markets, banks, humanitarian infrastructure and internal displacement camps were reportedly looted, attacked and burned to the ground. On 12 May another wave of attacks began in El Geneina, killing at least 280 people. According to OCHA, 86 gathering sites for displaced people in El Geneina have been burnt to the ground, forcing over 85,000 people into secondary displacement. Clashes have also been reported in Zalingei, Central Darfur, and Nyala, South Darfur.

## ANALYSIS

Since former President Bashir was ousted in 2019, General Burhan and General Hemedti have consistently obstructed the political transition in order to preserve and expand their power and privileges. Both continued to recruit forces along ethnic lines and strengthen relationships with regional powers, including several Gulf states and Egypt, to further consolidate their positions in Sudan. Despite being supported by the AU, the Intergovernmental Authority on Development (IGAD) and the UN, the political agreement that was supposed to be signed on 1 April received criticism from civil society groups and experts who felt that involving the military in negotiations legitimizes the 2021 coup and rewards actors involved in grave human rights violations and atrocities.

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 killed more than 200 people and arrested thousands. For decades, the Arab-dominated government imposed its control on ethnic minorities, exploited ethnic divisions and armed Arab militias, resulting in deadly conflicts. During his dictatorship, former President Bashir and other government officials were responsible for crimes against humanity, war crimes and acts of genocide. General Hemedti has been implicated in atrocities committed as commander of the RSF during conflict in the Darfur region and beyond.

Longstanding impunity has allowed those responsible for atrocity crimes and grave human rights violations to remain in leadership positions. Following a 2005 UNSC referral, the ICC has issued arrest warrants for three Sudanese officials, including former President Bashir and two anti-government militia leaders, for atrocities perpetrated in Darfur. Despite this, the Court only opened its first trial concerning potential crimes committed in Darfur on 5 April 2022 with the start of hearings for former Janjaweed leader, Muhammad Ali Abd-Al-Rahman (Ali Kushayb).

With more than 500 different ethnic groups in Sudan, inter-communal clashes involve a diverse set of communities. The root causes of inter-communal violence and tensions stem from competition over shrinking resources and pastoral land, decades of political manipulation and a culture of impunity for atrocity crimes. The risk of attacks, killings and sexual

violence has been exacerbated by the proliferation of weapons throughout the country. Local authorities lack the capacity and resources to ensure the protection of civilians, and state institutions have been weakened by the protracted conflict.

## RISK ASSESSMENT

- Political instability caused by abrupt or irregular regime change or transfer of power and widespread mistrust in state institutions.
- Humanitarian and human rights crisis caused by armed confrontation between military actors, including in densely populated areas.
- Involvement of third states in support of groups accused of perpetrating or enabling serious violations of IHRL and IHL, including atrocity crimes.
- Past or present serious discriminatory, segregationist, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Absence of reconciliation or transitional justice processes following conflict and atrocities.

## NECESSARY ACTION

General Burhan and General Hemedti must urgently agree to a permanent cessation of hostilities and respect IHL and IHRL. It is essential that humanitarian organizations are allowed safe and unhindered access to deliver aid and alleviate the developing humanitarian crisis.

International and regional actors, including the AU, Arab League, United Arab Emirates (UAE), Saudi Arabia, Egypt, the UK and the US, need to ensure that a permanent ceasefire agreement is followed by a credible political process that respects people's desire for democratic reform. States should urgently consider targeted sanctions against General Burhan and General Hemedti, including freezing personal bank accounts, as well as the bank accounts of companies to which they are connected. The UNSC must continue to closely monitor the precarious security situation and be prepared to expand the existing sanctions regime.



## SYRIA

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

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### BACKGROUND

Since March 2011 the government and opposition groups in Syria have engaged in an armed conflict. The protracted crisis has its roots in President Bashar al-Assad government's brutal suppression of protests in 2011, which quickly devolved into an internationalized country-wide conflict characterized by rampant atrocity crimes, including the illegal use of chemical weapons. During the conflict, Syrian government forces have been bolstered by Russian airstrikes, which commenced in September 2015. Since the start of the conflict at least 580,000 people have been killed, including an estimated 306,887 civilians who died from 1 March 2011 to 31 March 2021, according to OHCHR.

Over the last two years the conflict has shifted away from large-scale military hostilities along major frontlines to regional clashes between armed groups and Syrian government forces. Various parties to the conflict continue to perpetrate serious violations and abuses of international law. Government forces have committed murder, torture and sexual violence as a matter of state policy. In areas previously held by the opposition, the government is imposing arbitrary restrictions on freedom of movement and depriving individuals of their property, which the HRC-mandated Col on Syria alleges may amount to the war crime of collective punishment. Government forces have also reportedly subjected civilians returning to Syria to arbitrary detention, enforced disappearances, extrajudicial killings and torture. Meanwhile, armed groups, like the Syrian National Army (SNA) and other Turkish-backed groups, have perpetrated torture, sexual violence, systematic looting and arbitrary detention.

The Col has reported more than 130,000 arbitrary detentions, abductions or disappearances since 2011, with the majority

attributable to the Syrian government. A study released in August 2022 by the UN Secretary-General recommended that the UNGA establish an independent international institution dedicated to clarifying the fate and whereabouts of missing persons in Syria, as well as supporting victims, survivors and their families.

In 2014 the so-called Islamic State of Iraq and the Levant (ISIL) declared a caliphate across Iraq and Syria and perpetrated widespread abuses against civilians until the group was militarily defeated in their last territorial stronghold in 2019. The Col concluded in 2016 that ISIL perpetrated likely genocide against Yazidis and other minorities. At least 23,000 children of alleged ISIL fighters from 60 countries remain trapped in squalid detention camps run by the Kurdish-backed Syrian Defense Forces (SDF). The Col has reported that the conditions may amount to cruel or inhuman treatment and may constitute the war crime of outrage upon personal dignity.

Nearly 13 million people have been displaced, including 6.7 million Syrian refugees. An estimated 15 million Syrians remain in need of humanitarian assistance and 12 million people are food insecure. On 9 January 2023 the UNSC extended authorization for cross-border humanitarian aid through one crossing for six months. Although two additional crossings were opened in the aftermath of the earthquake on 6 February, the challenges in keeping crossings open has exacerbated humanitarian needs in northwest Syria.

The grave situation across Syria is partly a consequence of the inability of the UNSC to hold perpetrators accountable. Since 2013 the UNSC has passed 29 resolutions on the situation in Syria; however, none have been fully implemented and the Syrian government has directly violated many of them. Russia and China have jointly vetoed ten draft resolutions on Syria and Russia has independently vetoed an additional seven, systematically shielding Syria from international accountability measures. The UN Secretary-General and others have repeatedly called for the UNSC to refer the situation to the ICC.

To close the accountability gap, 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. Several countries have also initiated domestic legal proceedings or convicted suspected Syrian perpetrators under universal jurisdiction. In September 2020 and March 2021, respectively, the governments of the Netherlands and Canada formally requested negotiations with Syria as a first step toward holding the government accountable for violations of the UN Convention against Torture.

### RECENT DEVELOPMENTS

Despite the ceasefire reached between armed opposition groups and government forces in Dara'a governorate on 1 September

2021, insecurity continues around Dara'a, Suwayda and Hama as Syrian government forces clash with opposition armed groups. The government has also imposed a blockade in northern Aleppo since August 2022, inflicting severe shortages of fuel, aid and medical supplies on tens of thousands of civilians, including those internally displaced. Throughout areas they control, the government continues to systematically perpetrate arbitrary arrests, torture, enforced disappearances and deaths in detention.

Violence remains ongoing in Idlib governorate where ground fighting, shelling and airstrikes – perpetrated by forces loyal to the Syrian government – have damaged medical facilities, markets, schools and displacement camps, causing dozens of civilian deaths and greatly reducing access to food, water, medical care and adequate housing. The armed extremist group Hay'at Tahrir al-Sham also continues to perpetrate abuses, including arbitrarily detaining activists and journalists.

Elsewhere in northern Syria, including the northeast, escalating hostilities and strikes between the SNA and SDF continue to adversely impact civilians. IEDs, as well as indiscriminate shelling and airstrikes, have killed and wounded hundreds of civilians over the past year.

## ANALYSIS

For over a decade the government of Syria, its allies and armed opposition groups have all perpetrated countless attacks on civilians and civilian infrastructure, blatantly disregarding international law. All parties to the conflict continue to commit acts that may amount to war crimes and crimes against humanity. Ongoing violations of various ceasefire agreements greatly increase the risk of recurrence of large-scale conflict.

As various armed groups attempt to consolidate their control over territory in a fragmented Syria, civilians are facing indiscriminate hostilities, as well as widespread and 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, confirming ongoing patterns of crimes against humanity and war crimes.

## RISK ASSESSMENT

- Ongoing likely war crimes and crimes against humanity perpetrated by all parties to the conflict, particularly the government.
- Impunity enjoyed by all perpetrators for atrocity crimes.
- Inadequate state structures to protect the most vulnerable, including IDPs, returning refugees and minorities.
- Inability or refusal to address the situation of those missing and disappeared, as well as the continued commission of enforced disappearances and associated violations and abuses.

- Limited government cooperation with any international mechanisms.

## 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. All parties should also uphold the ceasefire agreements in the northwest, northeast and south.

The return 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.

A timetable for the release of all detainees and abductees should be established. UN member states must work toward the establishment of an independent international institution to clarify the fate and whereabouts of those missing and disappeared in Syria as recommended by the Secretary-General.

UN member states should continue to pursue accountability for alleged atrocities under universal jurisdiction. The UNSC should also refer the situation in Syria to the ICC.



## UKRAINE

Russian forces have perpetrated possible war crimes and crimes against humanity during their invasion in Ukraine. Ukrainian and Russian forces have also committed potential crimes in the Donbas region since 2014.

## BACKGROUND

Since 24 February 2022, when Russian Armed Forces invaded Ukraine, cities and towns across the country have been bombarded with indiscriminate explosive weapons. The UN has verified more than 8,895 civilian deaths since the start of the conflict while emphasizing that there are likely thousands of unverified casualties. The conflict has caused

a massive humanitarian crisis, displacing at least 13.5 million people, including more than 8 million who fled to neighboring countries, and leaving 17.6 million in need of assistance.

The Col on Ukraine, established by the HRC in March 2022, has documented evidence of war crimes committed against the civilian population by Russian forces, including indiscriminate attacks, torture, sexual and gender-based violence, unlawful transfers and deportations of children. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has also documented the widespread use of indiscriminate weapons in populated areas, including heavy artillery and multiple launch rocket systems, missiles, airstrikes and illegal cluster munitions. Schools, homes, water and sanitation systems and civilian shelters have been routinely targeted. The World Health Organization has verified 1,004 attacks on healthcare since February 2022, the highest number it has verified in any conflict. Russian forces have bombed Ukrainian historical, religious and cultural sites and reportedly pillaged cultural heritage in Kherson. According to the HRMMU, Ukrainian and Russian forces have also committed abuses against prisoners of war, including torture and ill-treatment.

In areas under their control, Russian forces have perpetrated grave abuses that may amount to war crimes. Mass graves and burial sites containing at least 1,500 bodies have been found in areas retaken from Russian forces in Bucha, Izium and Lyman. Following the liberation of Kherson, which had been occupied by Russian forces between March-November 2022, Ukrainian officials received reports of an array of abuses, including rape and torture, from more than 1,000 survivors. According to the Col, the systematic use of torture in Russian-occupied areas, as well as the wave of attacks by Russian forces on Ukraine's energy-related infrastructure since October 2022, may amount to crimes against humanity.

Fighting also continues in Donetsk and Luhansk oblasts, a region collectively known as Donbas, where conflict has been ongoing since 2014 after a pro-European change of power in Kyiv prompted the Russian government to militarily support majority-ethnic Russian separatists. Despite multiple rounds of peace talks, the armed conflict between the separatists and the Ukrainian government killed 14,000 people and displaced millions between 2014-2022. International monitors have documented both sides committing violations that may amount to war crimes, including torture, indiscriminate shelling of civilian areas and the use of indiscriminate weapons. The ICC has also previously found evidence of war crimes and crimes against humanity in Donbas.

Russia's aggression in Ukraine has been widely condemned by states and regional and intergovernmental organizations, many of which have responded with unprecedented targeted sanctions and other economic measures. Hundreds of

multinational corporations have ceased operations in Russia and many countries have closed their airspace to Russian airlines. Some states have provided Ukraine's military with weapons. Russian and Ukrainian delegations have met in numerous rounds of negotiations but have made limited progress.

Following Russia's veto of a draft resolution on 25 February 2022, the UNSC adopted a "Uniting for Peace" resolution. On 2 March 2022 the UNGA condemned Russia's use of force in Ukraine and on 7 April voted to suspend Russia from its seat on the HRC. The UNGA has also passed numerous resolutions that have demanded humanitarian access to civilians, condemned Russia's annexation of occupied Ukrainian territory and demanded its immediate reversal and called for reparations and justice for violations of IHL.

On 26 February 2022 Ukraine filed a case with the ICJ, asking for the Court's clarification under Article IX of the Genocide Convention. On 16 March the ICJ imposed provisional measures, calling on Russia to suspend military operations and for military units to cease advancing, as well as calling on all parties to refrain from actions that may prolong the conflict.

## RECENT DEVELOPMENTS

Since late December, Donetsk has endured intense fighting, with several cities and towns, particularly Bakhmut, under heavy bombardment. On 28 April Ukrainian officials said that a major counteroffensive to recapture Russian-occupied territory is imminent following large-scale waves of missile strikes on cities across Ukraine by Russian forces – its first nationwide assault in nearly two months.

On 17 March the Pre-Trial Chamber II of the ICC issued arrest warrants for Russian President Vladimir Putin and the Commissioner for Children's Rights in the Office of the President of Russia, Maria Alekseyevna Lvova-Belova, for their alleged responsibility for the war crimes of unlawful deportation and transfer of population from occupied areas of Ukraine to Russia. During April Ukraine's Prosecutor General reported that more than 80,000 cases of war crimes, including forcible transfer of children, have been registered since February 2022. On 4 May the Organization for Security and Co-Operation in Europe released a report which found that the mass deportation and forcible transfer of Ukrainian children may amount to a crime against humanity.

On 13 April CERD reported that practices and numerous incidents in the armed conflict in Ukraine could amount to racial discrimination, including IHL violations that targeted or affected members of groups protected under the Convention; forced mobilization and conscription that disproportionately affected specific ethnic groups or indigenous peoples; and the rise of racist hate speech directed against Ukrainians.

On 16 May Council of Europe member states agreed to establish a Register of damage as a first step toward an international compensation mechanism.

## ANALYSIS

Russian forces have perpetrated widespread violations of IHL and IHRL, many of which may amount to war crimes and crimes against humanity. Civilians in Ukraine continue to be at risk as Russian forces target residential buildings and other civilian infrastructure. Reports of international military assistance to Ukraine, as well as the observation of holidays or commemorative historical events, have tended to coincide with an increase in attacks on civilians and civilian infrastructure.

The crisis has myriad historical, political, security and economic root causes. President Putin has repeatedly asserted his belief that Russia and Ukraine are one and the same given their shared history and cultural similarities, a notion Ukrainians largely reject.

Despite a deal reached via the Black Sea Grain Initiative, the conflict continues to have global implications resulting from economic sanctions and Russia and Ukraine's role as major exporters of grain and cooking oils. Increasing scarcity and costs have impeded aid operations for vulnerable populations worldwide and put more pressure on situations prone to resource-related conflict.

## RISK ASSESSMENT

- Failure to adequately halt and address violations of IHL and IHRL in eastern Ukraine since at least 2014.
- Russia's pattern of violence against civilian populations, their property, livelihoods and cultural symbols and the blatant disregard of IHL.
- Increasing polarization, propaganda and inflammatory speech.
- Large-scale airstrikes and use of long-range weapons by Russian forces and counter-offensive by Ukrainian forces to recapture Russian-occupied territory.
- Impunity for orchestrators and perpetrators of war crimes and crimes against humanity.

## NECESSARY ACTION

All parties to the conflict must strictly adhere to IHL and ensure the protection of civilians in conflict areas. All violations of IHL and IHRL must be investigated and the perpetrators held accountable. Legal proceedings for those accused of crimes during the conflict must be transparent and respect international standards of due process and proportionality.

Amidst the protracted crisis, the international community must continue to increase its pressure on Russian authorities to halt their aggression in line with the ICJ's provisional measures. The international community should also maintain its support to Ukraine in upholding its international obligations to protect

its populations, including by ensuring the territorial integrity of the country.



## VENEZUELA

Ongoing state-led repression and systematic human rights violations in Venezuela may amount to crimes against humanity.

## BACKGROUND

Following years of the gradual erosion of the rule of law and democratic space, in 2014 mass protests erupted in Venezuela in response to insecurity, hyperinflation and a lack of essential services. Security forces reacted with disproportionate force, torture and sexual violence. Similar patterns of violations and abuses were perpetrated by state agents during subsequent protests, including in 2019 when the start of President Nicolás Maduro's second term sparked an intense struggle with the opposition, causing a protracted political crisis. Through a policy designed to repress political dissent, the Venezuelan government, including its security and intelligence apparatus, have perpetrated systematic arbitrary detention, torture and ill-treatment, sexual and gender-based violence and short-term enforced disappearances targeting actual and perceived opponents.

Various security forces have also allegedly perpetrated tens of thousands of extrajudicial killings in the name of combating crime. Venezuelan human rights project Lupa por La Vida documented 824 alleged extrajudicial executions in 2022 alone. Most victims were men between 18 and 30 living in low-income neighborhoods.

In 2019 the HRC authorized the creation of an independent FFM on Venezuela. The FFM has established that some violations and abuses committed since at least 2014 were part of a "widespread and systematic attack" against the civilian population that may amount to crimes against humanity. Evidence collected by the FFM implicated President Maduro, other high-level

government officials and members of his inner circle in directly selecting and framing targets to be arbitrarily detained and tortured. In September 2022 the FFM warned that patterns of detention, torture and other violations continue “as part of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity.”

The multidimensional crisis has left millions of Venezuelans unable to access basic services, including healthcare and nutrition and has triggered the largest migration crisis in Latin America. An estimated 7.1 million people have left the country since 2014, many of whom remain in need of assistance.

Several governments, including Canada and Switzerland, have enforced an extensive individual sanctions regime. Since 2017 the EU has maintained sanctions against 55 senior government officials. The US government has also imposed targeted sanctions against the Venezuelan government, as well as broader sanctions that have exacerbated the country’s humanitarian crisis. In November 2021 the ICC signed a Memorandum of Understanding with the government of Venezuela and announced the opening of an investigation into possible crimes against humanity.

Communities across Venezuela are also at heightened risk of egregious abuses by non-state armed groups or criminal gangs, acting at times with the consent and direct involvement of Venezuelan state agents implicated in possible crimes against humanity. Clashes between armed groups along the border with Colombia have resulted in mass displacement, civilian fatalities, disappearances and the forced recruitment of children. In Venezuela’s gold mining region, Arco Minero del Orinoco, state agents and armed criminal groups are committing killings, sexual and gender-based violence, torture, corporal punishment and disappearances, including against indigenous populations.

## RECENT DEVELOPMENTS

Over the past year, the government has systematically restricted civic space and limited the work of human rights defenders, independent media and civil society, including through harassment and persecution. On 24 January 2023 the ruling-party dominated National Assembly provisionally approved draft legislation aimed at essentially criminalizing the work of civil society organizations. A draft of the International Cooperation Law – which would also negatively impact the work of NGOs – is pending approval. On 22 March the FFM warned that if the legislation is approved, the regulations will consolidate abusive state control over the work of NGOs, many of which are the primary providers of assistance and relief.

On 7 October 2022 the HRC renewed the FFM and the reporting and technical cooperation mandate of OHCHR for an additional two years. During his first visit to Caracas on 26 January 2023 the UN High Commissioner for Human Rights,

Volker Türk, welcomed the Venezuelan government’s decision to extend OHCHR presence in Venezuela for two years.

On 26 November government and opposition delegates resumed political negotiations within the purview of the Mexico Dialogue and signed a first “social agreement,” which aims to ensure UN supervision of unfrozen funds directed to address dire humanitarian needs. On 25 April 2023 Colombia hosted an international summit (Bogotá summit) to build a roadmap for further political dialogue with key high-level stakeholders, including the US, Brazil, Argentina and the EU, among others.

## ANALYSIS

The Venezuelan government is deliberately pursuing policies that enable human rights violations and abuses to silence dissent. Extrajudicial killings reduced following the publication of the FFM’s first report in September 2020, suggesting a possible deterrent effect of international scrutiny. However, no structural changes have been implemented to the country’s judiciary, intelligence or security sector and state actors continue to perpetrate systematic abuses, including against human rights defenders. Sexual and gender-based violence has been deliberately perpetrated in the context of arbitrary detentions and to ensure control over profitable territory, including the Arco Minero region. The systematic crackdown on civic space is a deliberate strategy by the government to increase repression ahead of presidential elections in 2024, as well as parliamentary, municipal and governorship elections in 2025.

Venezuela’s judicial system is perpetuating impunity for possible atrocity crimes committed by security and intelligence forces. Domestic investigations – undertaken to minimize international scrutiny – remain limited in scope and only target low-level perpetrators. Government-linked media outlets also play a key role in state repression and persecution.

The ICC’s decision to open an investigation is an important step in advancing accountability efforts. Independent monitoring, including by the FFM, is essential to prevent the recurrence of crimes against humanity and alert the international community to appropriate prevention and response strategies.

## RISK ASSESSMENT

- Senior government officials involved in the planning and commission of violent acts, including possible crimes against humanity, to crush political dissent and combat crime.
- Lack of independent and impartial judiciary, as well as impunity for or tolerance of serious violations of international law, including atrocity crimes, emboldens perpetrators to continue systematic violations.
- Shrinking civic space and adoption of measures to criminalize civil society organizations, particularly ahead of the scheduled presidential and general elections in 2024 and 2025.



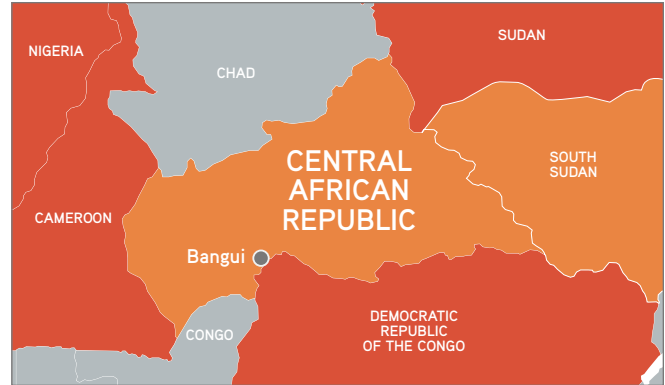
- Absence of accountable state authority, high levels of crime and illicit economic exploitation in large parts of the country.
- Targeting of indigenous peoples by state and non-state actors aiming to control territory and resources.

### NECESSARY ACTION

Venezuelan authorities must immediately end the systematic repression of actual or alleged opponents and civil society. The government should also commit to genuine and comprehensive intelligence, security sector and judicial reform and ensure impartial investigations of all serious violations and abuses, including at the highest level. The government should grant the FFM unrestricted access and implement its recommendations.

Technical cooperation, including through OHCHR, should be based on the FFM's recommendations on necessary system-wide reform, as well as address risk factors and institutional weaknesses that have facilitated the commission of atrocity crimes. As regional actors and other states seek to normalize political and economic engagement with the Maduro government, they should exert diplomatic pressure to ensure the government commits to these reforms.

Multilateral efforts to support the Mexico Dialogue must prioritize human rights protections while addressing structural risk factors and focusing on electoral reform ahead of the 2024 and 2025 elections.



## CENTRAL AFRICAN REPUBLIC

Populations in the Central African Republic are at risk of possible atrocity crimes due to ongoing violence by armed groups and government and allied forces.

### BACKGROUND

During December 2020 a loose alliance of predatory armed groups, known as the Coalition of Patriots for Change (CPC), launched a violent offensive against the government of the Central African Republic (CAR). In response, the government sought bilateral security assistance, including from Russia and Rwanda. For two and a half years the CPC and other armed groups have continued to launch attacks while perpetrating widespread violations of IHL, including killing and abducting civilians, the forcible recruitment of children and attacks on civilian infrastructure, humanitarian workers and the UN peacekeeping mission in CAR (MINUSCA). The Central African Armed Forces (FACA) – working closely with Russian security partners, including mercenary fighters from the Wagner Group – have responded with counter-offensives. During military operations, FACA troops and, at times, mercenary fighters have perpetrated summary executions, arbitrary killings, torture, rape and forced disappearances. The UN has documented evidence of abuses and violations by government forces and mercenaries that may amount to war crimes.

During this time, the CPC and other armed groups have found alternative areas to regroup and resupply, increasing their activity in outlying villages and remote areas. Since 2022 there has been a marked increase in the presence of explosive ordnance reportedly placed by armed groups in the west of the country. OHCHR has also reported that two CPC-affiliated armed groups have perpetrated systematic and widespread conflict-related sexual violence, including rape, gang rape and sexual slavery.

FACA troops and Russian mercenaries are also perpetrating attacks and ill-treatment targeting ethnic and religious minorities, particularly Fulanis and Muslims. According to

the UN High Commissioner for Human Rights, attacks have intensified, and illegal arrests and detentions are widespread. OHCHR has implicated proxy forces – who were recruited, trained and armed by FACA and Russian mercenaries – in incidents targeting and punishing the Muslim and Fulani communities that may amount to war crimes and crimes against humanity. The police have also disproportionately arbitrarily arrested, illegally detained and tortured members of the Fulani community. The UN High Commissioner for Human Rights and the UNSC-mandated Panel of Experts have warned that the pattern of violations against minority communities, as well as the use of former anti-balaka combatants as proxies, risks triggering a new cycle of violence along communal, religious and ethnic lines and may cause major setbacks for peace and reconciliation efforts.

The protracted crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the mainly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of 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 between 2013-2015. Although a 2019 peace deal formally ended the conflict, armed groups continued to engage in sporadic violence. As a result of significant diplomatic efforts, in September 2021 the ICGLR adopted a roadmap for peace, which called for all armed actors to commit to a ceasefire and revitalize the peace deal. There has not been any political engagement between the government and the CPC.

Despite persistent impunity, there have been some advances toward justice for atrocities. Two former anti-balaka leaders and a Séléka leader are on trial at the ICC for crimes against humanity and war crimes while Chad surrendered an additional anti-balaka leader to the Court in March 2022. On 31 October the Special Criminal Court (SCC) in CAR issued its first verdict, finding three suspected members of the “3R” armed group guilty of committing crimes against humanity and war crimes in May 2019 in Ouham-Pendé prefecture.

## RECENT DEVELOPMENTS

In recent months, there has been a resurgence of armed group activity in north and southeast CAR, as well as government counter-offensives. Violent attacks between armed groups and FACA have resulted in summary executions and acts of reprisal against civilians, including roadside ambushes and lootings. During March, for example, CPC fighters raided a humanitarian convoy and stole equipment near Bozoum. Although recent military operations have driven armed groups away from mining areas – cutting them off from significant revenue – in some areas these groups have increasingly turned to armed robbery of humanitarian organizations, as well as kidnapping for ransom near the borders with Sudan, Chad

and Cameroon. Tensions in Haut-Mbomou prefecture remain high following a wave of escalating clashes between armed groups since early March.

Ahead of the local elections in July 2023, government institutions have cracked down on civil society, journalists and opposition political parties. Individuals opposed to the constitutional referendum, which would remove presidential term limits, have been threatened with arrest and harassed, including by President Faustin-Archange Touadéra who has referred to them as “enemies of the country.” FACA troops and mercenary operatives have increasingly targeted groups suspected of opposing the ruling party, particularly the Fulani.

## ANALYSIS

Despite the 2019 peace deal and the Luanda roadmap, the security situation remains precarious and populations continue to be at risk of atrocities. The increasing targeting of ethnic and religious communities, as well as proliferating hate speech and incitement, have heightened the risk for further violence. The growing presence of explosive ordnance threatens civilians and hampers MINUSCA’s civilian protection efforts.

CAR has a history of widespread impunity that has fueled cycles of armed conflict and atrocities. While there are several mechanisms mandated to deal with international crimes perpetrated in CAR, accountability remains limited with few alleged perpetrators having been arrested, prosecuted or tried for war crimes and crimes against humanity since 2013.

The cross-border flow of foreign fighters, arms and natural resources is contributing to a thriving conflict-economy. Competition for control of profitable minerals has resulted in armed groups committing abuses against civilians. The UN has reported that mercenary operatives have committed human rights abuses as they increase their control of gold-mining areas. The EU, the US, the UN and others have alleged that the Wagner Group’s private military personnel have perpetrated abuses and intimidated civilians in conflict zones around the world, including CAR.

## RISK ASSESSMENT

- Situation of armed conflict and other forms of instability, including a security crisis caused by, among other factors, defection from a peace agreement and lack of commitment to a ceasefire.
- The mobilization of armed groups and heightened insecurity at mineral-rich porous border areas.
- Ongoing grave acts of violence against vulnerable populations, particularly minority groups, women and children.
- Obstruction of MINUSCA’s freedom of movement, as well as continued violations of the status of force agreement, impedes civilian protection efforts and the ability to identify and clear explosive ordnance.

- Repressive measures imposed by authorities to close civic space and suppress dissent, resulting in a climate of fear, growing political tensions and incitement to violence and discrimination.

## NECESSARY ACTION

All armed actors must adhere to their obligations under IHL and IHRL. It is imperative that all parties cooperate with MINUSCA, ensuring the Mission has unhindered access to effectively carry out its mandate. The international community and regional organizations should encourage President Touadéra to engage in dialogue with the CPC and negotiate a ceasefire. CAR authorities must guarantee the independence of institutions, respect freedom of peaceful assembly and association and counter incitement to violence.

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 launching and operationalizing all criminal and other courts intending to address cases of human rights violations and abuses. The authorities must cooperate with the SCC to ensure that suspects subject to its arrest warrants are taken into custody, regardless of the political or military status of the individual.



## ETHIOPIA

Despite a tenuous peace agreement, populations in the Tigray, Afar and Amhara regions of Ethiopia remain at risk of further war crimes and crimes against humanity. Populations across Ethiopia are also at risk of atrocities as a result of inter-communal violence.

## BACKGROUND

In November 2020 the federal government of Ethiopia and its allies, including the Eritrean Defense Forces (EDF) and forces from the Amhara region, launched a military offensive in the Tigray region against forces loyal to the regional

governing Tigray People’s Liberation Front (TPLF). The fighting subsequently spread to the neighboring Afar and Amhara regions in July 2021. For two years the Ethiopian National Defense Forces (ENDF) and the Tigray Defense Forces (TDF) fought in an armed conflict characterized by widespread violations of IHL and IHRL in northern Ethiopia. On 2 November 2022 the federal government and the TPLF agreed to a cessation of hostilities brokered by the AU.

Possible war crimes and crimes against humanity have been committed by all parties throughout the conflict. Reports by several UN bodies, including the HRC-mandated International Commission of Human Rights Experts on Ethiopia (ICHREE), and investigations by international human rights groups have documented indiscriminate bombings, ethnic-based killings, sexual violence, forced displacement, use of child soldiers, destruction of cultural heritage and the systematic destruction of food, water and health infrastructure. Humanitarian convoys were routinely blocked, attacked and looted by parties to the conflict.

Amnesty International and Human Rights Watch found that Amhara regional officials and special forces and militias, with federal forces’ complicity, were responsible for ethnic cleansing of Tigrayans from Western Tigray. Amhara authorities subjected the Tigrayan population to restrictions on the basis of their ethnicity, organized transportation to remove them from Western Tigray, confiscated their documents and warned them not to return while simultaneously calling for the settlement of Amhara residents into the area.

The conflict has caused a humanitarian catastrophe to unfold across northern Ethiopia, with over 3 million people internally displaced and at least 13 million in urgent need of aid.

Inter-communal and inter-religious violence, as well as regional border disputes, in other parts of Ethiopia have continued to escalate, particularly between the Amhara and Oromo communities. Oromia regional security forces, the ENDF and the Oromo Liberation Army (OLA) armed group have allegedly committed enforced disappearances and attacks on civilians, including ethnic Amharas. A December 2022 report by the Ethiopian Human Rights Commission (EHRC) detailed widespread abuses against civilians in 16 zones of the Oromia region, finding that hundreds of civilians were killed and at least 100,000 displaced between July and November amidst fighting between different configurations of armed groups, including the OLA and ‘Fano’ militias, with federal and Oromia regional security forces. In attempts to mitigate the OLA’s insurgency, the ENDF have launched repeated airstrikes in Oromia, killing dozens of civilians since October. The EHRC has determined that government forces were responsible for airstrikes on civilian areas and extrajudicial killings of civilians perceived to be supportive of armed groups.

## RECENT DEVELOPMENTS

Parties to the conflict in Tigray have taken steps toward implementation of the November 2022 peace agreement. Aid groups have been allowed to access Tigray, though many report access is still limited. On 10 January 2023 TDF forces began the handover of heavy weapons to the federal government. The withdrawal of Eritrean troops from Tigray, which was not part of the peace deal, remains a key issue for the TPLF. Aid workers have reported ongoing abuses by the EDF and regional Amhara forces in Tigray despite the peace deal, including looting of civilian property, as well as kidnappings and mass detentions. To further advance the peace agreement, on 22 March the Ethiopian Parliament removed the TPLF's terrorist designation and dropped criminal charges against its leaders.

On 20 March the US determined that armed forces on all sides, including members of the ENDF, EDF, TPLF and Amhara forces, have committed war crimes. The US further accused the ENDF and EDF of crimes against humanity, and Amhara forces of crimes against humanity and ethnic cleansing.

During April tensions escalated in Amhara following an announcement by the federal government of its plans to integrate local defense forces into the federal army and regional police. Protests devolved into violent clashes in some locations across the region. The WFP suspended food deliveries due to the security situation.

According to the EHRC, during February the OLA reportedly killed at least 50 people in an attack targeting IDPs from the Amhara ethnic group. In a crucial step toward establishing peace and stability in Oromia, on 26 April peace negotiations between the Ethiopian government and the OLA started in Tanzania. This is the first time that the Ethiopian government has negotiated with the OLA.

## ANALYSIS

Civilians in Tigray, Afar and Amhara remain at risk of further war crimes and crimes against humanity due to repeated violations of IHL and IHRL. Despite the cessation of hostilities, risks to populations will continue until the terms of the agreement are fully implemented. The government's announced plans to integrate all regional forces into the federal army increased fear among people in Amhara that this would leave them exposed to attacks by neighboring regions. Civilians in Tigray also remain at risk due to the continued presence of the EDF, which have repeatedly been accused of atrocity crimes while Eritrean authorities have allegedly sought to settle decades-old grievances with the TPLF through the collective punishment of Tigrayans.

The conflict also sparked an increase in hate speech between ethnic groups across the country and caused other pre-existing ethnic tensions to flare. Inflammatory statements

by regional and federal government leaders, including Prime Minister Abiy Ahmed, may fuel further ethnic conflict.

Ethiopia's ethnic-based federalist system has resulted in widespread allegations of ethnic favoritism, deepening distrust between ethnic groups. 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 impunity and lack of effective transitional justice for human rights abuses perpetrated under successive ruling parties has exacerbated these grievances.

Civilians in Oromia are also at heightened risk of atrocities due to ongoing fighting between OLA militants and targeting by the ENDF.

## RISK ASSESSMENT

- Residual tensions following the conflict and fragile peace process requiring ongoing negotiations and credible commitment to its implementation by all parties.
- Policy or practice of impunity for or tolerance of serious violations of IHL and IHRL, of atrocity crimes or of their incitement.
- Unresolved inter-communal tensions and the federal government's fight against associated ethnic-based militias – many of whom are fighting for autonomy of their group.
- Increased inflammatory rhetoric, propaganda campaigns or hate speech by political figures to capitalize on the politicization of ethnic identity.
- Limited cooperation by the government with internationally mandated human rights mechanisms.

## 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. While meaningful steps to implement the cessation of hostilities agreement and the unfettered delivery of aid have been taken, the process must continue in good faith. The EDF should immediately withdraw from Ethiopia. The UNSC should impose an arms embargo and sanctions on spoilers to the peace process.

The government must take steps to hold an inclusive national dialogue to holistically address the root causes of recurrent inter-communal and ethnic conflicts.

All parties to the conflict should cooperate with the ICHREE and allow it to carry out its mandate. The Ethiopian government must allow the ICHREE unfettered access to all conflict areas. UN member states should ensure the full funding and staffing of the ICHREE.



## MOZAMBIQUE

Ongoing attacks by the armed extremist group “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 ISIL, has perpetrated indiscriminate attacks against civilians, including extrajudicial executions, beheadings, sexual and gender-based violence, sexual slavery, abductions, recruitment of child soldiers and destruction of civilian infrastructure. More than 6,500 people have been killed and nearly 1 million displaced since October 2017. Mozambican government forces and affiliated private security groups, including the Wagner Group, have also been implicated in perpetrating extrajudicial executions, torture and other violations of IHL that may amount to war crimes during operations to combat the group.

The violent insurgency was partly prompted by the discovery of offshore natural gas fields near Cabo Delgado and allegations of government corruption. Fighting between Al-Shabaab and security forces has primarily taken place near Mocímboa da Praia, Palma and other port towns where several major offshore liquified natural gas projects are under development. Al-Shabaab attacks escalated during 2020 and early 2021, resulting in significant clashes with government forces as they fought for control of key port cities. The French energy corporation TotalEnergies froze project development after Al-Shabaab violently seized Palma in March 2021 in an attack that killed at least a dozen civilians, including foreign energy staff.

In June 2021 the SADC approved the deployment of a standby force (SAMIM) to assist Mozambique in confronting the group. The following month, after a request by the Mozambican government, Rwanda also deployed troops and police to Cabo Delgado. In September 2022 the SADC revised its mission,

shifting toward a multidimensional operation with greater focus on peacebuilding and governance. Although regional forces aided the Mozambican government in regaining control of many cities after their initial deployment, during 2022 insurgent activity continued to spread.

Following a period of relative calm, in June 2022 insurgents launched an offensive against Cabo Delgado’s Ancuabe, Chiure and Mecufi districts, areas that were previously unaffected by violence. Since then, sporadic raids, characterized by civilian killings and burning of buildings, have continued, primarily in the northern districts of Cabo Delgado while also spreading southward into neighboring Nampula Province.

Insecurity continues to prevent humanitarian aid from reaching vulnerable populations. At least 2 million people in northern Mozambique need life-saving humanitarian assistance and protection.

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, Mozambican National Resistance (RENAMO). The armed forces of the ruling Front for Liberation of Mozambique (FRELIMO) also perpetrated war crimes. A peace agreement was signed in 1992, but low-level conflict resumed between the two groups between 2013 and 2018.

### RECENT DEVELOPMENTS

In January 2023 a video circulating on social media appeared to show SAMIM soldiers throwing dead bodies onto a burning pile of rubble in Cabo Delgado. The incident is believed to have occurred in November 2022 and may constitute a war crime.

UNHCR reported in February that over 350,000 people have returned to their homes after being displaced by the violence. Despite this, large areas of Nangade, Muidumbe and Macomia districts remain ungovernable and are at risk of attack. Between February and April clashes with Al-Shabaab increased, leaving an unconfirmed number of people dead in Muidumbe and Mocímboa da Praia. In attempts to curtail the spread of violence, in April Mozambican authorities legalized the creation of local militias under the military to fight Islamist insurgents.

TotalEnergies announced plans to restart their liquefied natural gas projects following the release of a commissioned human rights report on 23 May, which noted that while armed conflict is expected to continue, fighting has shifted away from the development site.

### ANALYSIS

Since 2020 Al-Shabaab has sporadically intensified its attacks in waves of violence. Although the regional military offensive initially reduced insurgent activity, populations face a heightened risk of atrocities amid renewed attacks since June

2022. As part of efforts to portray Cabo Delgado as safe for foreign investors, Mozambican authorities have encouraged displaced civilians to return to their areas of origin despite ongoing insecurity. Insurgents have attacked returnees, threatening a new escalation of violence.

The discovery of liquified natural gas off the coast of Mozambique brought hope for a boost to the country's economy but was accompanied by increased allegations of government corruption and economic impropriety. The launch of foreign gas extraction projects has seriously impacted the livelihoods of the civilian population – who already faced economic exclusion – by evicting communities, failing to deliver on promises of jobs and exacerbating extreme inequality. Al-Shabaab has exploited local grievances and popular discontent over corruption and poverty in Mozambique to recruit fighters.

With the increased presence of foreign security forces in northern Cabo Delgado, Al-Shabaab has expanded southward and is threatening communities where Mozambican security forces cannot contain the growing threat. Due to the lack of effective coordination between Rwandan forces, SAMIM and Mozambique security forces, Al-Shabaab is able to navigate and exploit gaps in their areas of responsibility. The legalization, recruitment and reliance on local militias will likely worsen grievances and fuel abuses.

## RISK ASSESSMENT

- History of atrocity crimes perpetrated by extremist groups and government forces.
- Limited government capacity to combat insurgent activity and provide adequate protection to populations.
- Widespread displacement of civilians and heightened vulnerability of returnees to areas with widespread protection and humanitarian needs.
- The exploitation of natural resources and launch of extraction projects exacerbate local grievances.
- Pattern of disregard for human rights protections during counterterrorism operations.

## NECESSARY ACTION

Mozambique's security forces and their regional partners should ensure the protection of civilians and IDPs in Cabo Delgado and Nampula, including through increasing patrols in areas vulnerable to attack. Mozambican authorities should also guarantee the protection of all returnees by conducting thorough security assessments before advising displaced people to return.

All government and regional forces must ensure military operations against Al-Shabaab are carried out with strict adherence to international law, utilize tactics that mitigate civilian harm and strengthen their coordination to close protection gaps. It is imperative that Mozambican authorities provide affiliated militias with technical, logistical and

supervisory support, establish vetting procedures and implement trainings to ensure compliance with human rights.

Authorities should prosecute high-level Al-Shabaab members. Mozambique authorities and the SADC should investigate the circumstances of the incident of soldiers burning bodies.

It is essential to provide psychosocial support to civilians who were abducted or subjected to sexual violence and to engage in demobilization, disengagement and reintegration efforts, particularly for children recruited into conflict. The government should more effectively address the local and political roots of the insurgency.



## SOUTH SUDAN

Ongoing localized and inter-communal violence, as well as political infighting, pose a pervasive threat to civilians in South Sudan.

## BACKGROUND

On 12 September 2018 a Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), brokered by IGAD, was signed by the parties to the conflict – including President Salva Kiir and then former Vice President and opposition leader Riek Machar – formally ending the civil war. The subsequent formation of the Transitional Government of National Unity (TGoNU) in 2020 provided an opportunity to address divisions in the country and to support sustainable solutions to the conflict. However, bitter disagreements between and within parties of the TGoNU on how to implement the R-ARCSS have led to widening divisions and further exacerbated tensions at the local level.

The HRC-mandated Commission on Human Rights in South Sudan has repeatedly warned of an escalation of violence and the need for urgent attention to the implementation of the peace agreement. Ongoing inter-communal violence and attacks by community-based militias have resulted in

increasing civilian casualties. Cattle raiding and revenge killings, as well as increased resource competition between herding and farming communities, have particularly triggered violent clashes. Senior political and military leaders continue to manipulate long-standing enmities between rival ethnic communities. In several parts of the country, tensions between the two main political parties, the Sudan People's Liberation Movement and the SPLM-In Opposition, over access to resources and political appointments have also culminated in violent clashes and triggered serious human rights violations, including widespread sexual violence, particularly against women and girls.

Upon request by the TGoNU, the UN Peacebuilding Commission has been supporting efforts to address challenges related to the implementation of the R-ARCSS since 2022. The Commission is working with the TGoNU to mobilize political, technical and financial support for the country's peacebuilding infrastructure at the local level through its governance and reconciliation components.

According to OCHA, over 9.1 million people – more than two thirds of the population – need humanitarian assistance. OCHA has reported that as clashes exacerbate the humanitarian situation, the most vulnerable, including women, children, the elderly and disabled, are bearing the brunt of the prolonged crisis. An estimated 2.3 million people remain internally displaced and 2.28 million have fled to neighboring countries. South Sudan is one of the most dangerous countries for humanitarian workers, with more than 143 killed since 2013.

## RECENT DEVELOPMENTS

The dry season between December and April was characterized by increased violence and atrocities, including clashes between armed groups in northern Jonglei and Upper Nile states, inter-communal violence in northern Warrap, and ongoing cattle raids and migration-related conflicts in the Equatorias. In March the UN Mission in South Sudan (UNMISS) reported that cattle-related inter-communal conflict and land disputes with ethnic undertones resulted in 579 civilian casualties between 1 December 2022 and 15 February 2023 and continued to undermine the peace process.

Tensions increased between President Kiir and Vice President Machar following President Kiir's decision on 3 March to reorganize the cabinet in Warrap State, as well as fire Angelina Teny, Minister of Defence and Veteran Affairs and Machar's wife, and Mahmoud Solomon, Minister of Interior. Without consultations and in violation of the peace agreement, on 29 March President Kiir appointed a member of his own party, Chol Thon Balok, as the new defense minister.

The TGoNU has made some progress in the implementation of the R-ARCSS, including passing the Constitution Making Process Act and ratifying the Roadmap by the Transitional

National Legislature in December 2022. In January 3,000 national security officers graduated in Bentiu, Unity State, completing the first phase of Chapter II of R-ARCSS on security arrangements. While national elections were initially scheduled for 2022, the TGoNU has repeatedly extended the transitional period and delayed the elections. On 21 March President Kiir promised to hold free and fair elections in 2024, with no further extensions of the TGoNU. Several politicians and civil society actors questioned the government's population estimates published on 6 April by the National Bureau of Statistics and warned of potential rigging of elections and increased politicization along ethnic lines.

## ANALYSIS

The repeated failure to uphold multiple peace agreements shows a lack of genuine commitment to a political solution on the part of South Sudan's leaders. Instead, continuous political competition and the mobilization of armed groups is leading to increasing localized conflict, fragmentation and ethnic divisions. Political leaders have continued to focus on the preservation of their personal power, allowing mistrust to reinvigorate ethnic tensions and fuel violence across the country. Delays in reforming the security sector appear to be a deliberate strategy by President Kiir to retain dominance.

The influx of small arms and light weapons and ammunition during South Sudan's civil war has increased the risk of atrocities, with many weapons falling into the hands of civilians and youth groups, making inter-communal clashes more deadly. The armed conflict and continued violations of ceasefire agreements underline the importance of the UN arms embargo, which was imposed by the UNSC in 2018, and targeted sanctions.

Despite some positive steps regarding political and security arrangements, progress on key human rights issues has been limited and justice remains largely elusive for the victims and survivors of atrocity crimes in South Sudan. A pervasive culture of impunity continues to fuel resentment, recurring cycles of armed violence and atrocity crimes. Neither the government nor opposition groups have held perpetrators within their own ranks accountable for past or current atrocities and none of the transitional justice mechanisms provided for by the R-ARCSS, including the Hybrid Court, have been established.

## RISK ASSESSMENT

- Situation of armed conflict and other forms of instability, including a security crisis caused by, among other factors, delays in implementing peace agreements, absence of a unified army under national command and rising political tensions.
- Policy or practice of impunity for serious violations of IHL and IHRL, atrocity crimes or their incitement.

- Weak state institutions and lack of capacity to prevent atrocity crimes and address inter-communal and political tensions.
- Past and present serious tensions and conflicts between communities, the mobilization of armed groups along ethnic lines and the politicization of past grievances.
- Capacity to commit atrocity crimes, including availability of personnel, arms and ammunition.

## NECESSARY ACTION

All armed groups must immediately cease hostilities and respect IHRL and IHL to prevent further civilian harm. The TGoNU must make every effort to stop the fighting, address the root causes of inter-communal violence and ensure the safety and security of all populations. The TGoNU must also urgently establish an inclusive electoral system and advance the permanent constitution-making process to allow for free, fair and credible elections by December 2024.

The international community should exert increased diplomatic pressure on all parties to the R-ARCSS to ensure its full implementation. The UNSC must 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.

UNMISS should continue to deploy quick reaction forces and temporary operating bases to areas at high risk of violence, as well as enhance its early warning capacities.

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



## YEMEN

Despite a significant decrease in hostilities, populations in Yemen remain at imminent risk of war crimes and crimes against humanity.

## BACKGROUND

For the past eight years civilians in Yemen have suffered from recurrent war crimes and crimes against humanity. Fighting between Houthi forces, the Southern Transitional Council (STC) and forces loyal to the internationally recognized government – as well as airstrikes by a Saudi Arabia and UAE-led international coalition – have resulted in the death of thousands of civilians since March 2015. More than 19,200 civilians, including over 2,300 children, have been killed or maimed as a result of coalition airstrikes alone. The conflict has displaced at least 4 million people and created the world's largest humanitarian crisis, with more than 23.4 million in need of humanitarian assistance and 19 million facing food insecurity.

The UNSC-mandated Panel of Experts on Yemen has reported that since 2015 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. From 2018-2021 the HRC-mandated Group of Eminent Experts (GEE) on Yemen also documented a pattern of violations and abuses of international law perpetrated by all 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 alleged that Canada, France, Iran, the UK and the US may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict.

On 2 April 2022 parties to the conflict commenced a truce brokered by the UN Special Envoy for Yemen, Hans Grundberg, which was renewed twice but expired on 2 October. The six-month truce – the first negotiated country-wide ceasefire since



2016 – included a cessation of all attacks, the entry of fuel ships in Hodeidah ports and the operation of commercial flights in and out of Sana’a airport. Although there was a significant decrease in civilian casualties during the truce, ACLED recorded 2,208 incidents of shelling, artillery and missile attacks, 374 air and drone strikes and 369 armed clashes. OCHA recorded approximately 1,205 incidents of interference with humanitarian access, including violence against aid workers, during the truce. Civilians were also still widely subjected to violations and abuses of human rights, including enforced disappearances, torture and sexual violence.

In the months preceding the truce, armed hostilities and indiscriminate bombing had dramatically escalated. Between October 2021 and April 2022 the Saudi/UAE-led coalition perpetrated the highest rate of air raids since before the December 2018 Stockholm Agreement. Missiles and airstrikes across numerous governorates targeted and destroyed civilian objects, including water reservoirs, hospitals and telecommunications towers. Over 1,100 civilians were killed or injured between January 2022 and the start of the truce, including 471 as a result of coalition airstrikes.

This surge in civilian casualties and hostilities immediately followed the HRC’s failure to renew the mandate of the GEE on 7 October 2021, terminating the only international independent mechanism dedicated to monitoring international law violations in Yemen. The abrupt termination of the GEE followed heavy diplomatic and political pressure from Saudi Arabia.

The UN has recorded evidence of parties to the conflict perpetrating grave violations against children, including recruitment and use of children in armed hostilities, killing and maiming of children and attacks on schools. The UN recorded 2,748 grave violations affecting over 800 children in Yemen in 2021, consistent with patterns of violations from previous years. The UNSC-mandated Panel of Experts reported in January 2022 that over 2,000 children recruited by the Houthis have died in combat since 2020. In April 2022 the Houthis signed an Action Plan with the UN to commit to end and prevent grave violations against children.

The crisis in Yemen has been ongoing for over 20 years, but dramatically escalated during 2014 when, amidst a UN-facilitated political transition process, Houthi forces and military units loyal to former President Ali Abdullah Saleh took control of numerous governorates in Yemen, including the capital Sana’a, and forced then President Abd Rabbu Mansour Hadi and his government to resign. On 26 March 2015 the Saudi/UAE-led coalition launched a military intervention in Yemen to restore the internationally recognized government of President Hadi, who had fled to Saudi Arabia, but rescinded his resignation in September 2015 and returned to Aden. There have been several unsuccessful attempts at ceasefires and truces since the start of the conflict. The only

successful negotiated settlement throughout the crisis is the Stockholm Agreement, which ended a period of rampant atrocities and staggering civilian casualties in and around Hodeidah governorate following an offensive led by the Yemeni government and the Saudi/UAE-led coalition.

The UNSC imposed financial sanctions and travel bans on former President Ali Abdullah Saleh and Houthi leaders for the first time in November 2014. On 14 April 2015 the UNSC established an arms embargo on Houthi leaders and individuals acting on their behalf or under their direction. On 28 February 2022 the UNSC altered the arms embargo to include the Houthis as an entity subject to the embargo measures.

## RECENT DEVELOPMENTS

Although there has not been a significant escalation in hostilities and no airstrikes have occurred since the truce expired, over 465 civilians have been killed or injured since October 2022 as occasional clashes continue across several governorates, including Shabwah, Marib, Hodeidah, Sa’dah and Ta’izz. Saudi officials and Houthi leadership are currently undergoing negotiations, brokered by Oman and in parallel to the efforts brokered by UN Special Envoy Grundberg. In a step toward reaching a negotiated settlement, 887 conflict-related detainees were released by the Houthis and Saudi/UAE-led coalition from 14-16 April 2023.

## ANALYSIS

While the reduction of hostilities provides tangible relief to civilians in Yemen, large-scale atrocity risks remain until a permanent truce and inclusive negotiated peace settlement are reached and extensive justice and accountability efforts, including reparations to victims, are advanced. Ongoing political negotiations aimed at a more permanent truce currently lack representation from many parties to the conflict, as well as minority groups and women who have been disproportionately affected by the violence. The lack of inclusive dialogue limits the capacity of these groups to advocate for their protection and risks entrenching violations and abuses.

All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian objects, amounting to war crimes and crimes against humanity. The protracted crisis in Yemen has been exacerbated by pervasive impunity that has fueled lawlessness and resulted in extensive civilian harm. There is currently no international independent body paving the way toward justice and accountability in Yemen. The dire humanitarian situation is a direct result of the armed conflict and likely atrocity crimes perpetrated by warring parties.

## RISK ASSESSMENT

- Ongoing serious human rights violations and violent incidents that adversely affect civilians.

- Legacy of likely atrocity crimes perpetrated before 2014 and recent history of atrocity crimes perpetrated by all parties to the conflict.
- Impunity enjoyed by all perpetrators for previous and ongoing atrocity crimes, fueled by inability and/or unwillingness of the international human rights system to effectively address the situation.
- Inadequate protection for and ongoing threats toward the most vulnerable, including minorities, women, children, human rights defenders and IDPs.
- Interlinked political, economic and social instability that increases the risks of return to large-scale conflict.

### NECESSARY ACTION

All parties to the conflict should fully recommit to a country-wide truce, as well as make every effort to reach a negotiated end to the protracted conflict. Any political negotiations should include all relevant parties to the conflict and other key groups in Yemen, 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. All parties to the conflict – with assistance from the international community – must ensure the provision of reparations to all victims of international crimes. UN member states should urgently work to establish a new criminal justice-focused mechanism to advance accountability and reparations for perpetrators of war crimes and crimes against humanity. The UNSC should refer the situation in Yemen to the ICC.

**R2P MONITOR** is a quarterly publication that: Provides *background* on populations at risk of mass atrocity crimes, with particular emphasis on broad trends, key events and actors and their connection to the threat, or commission, of genocide, war crimes, ethnic cleansing and crimes against humanity.

Highlights the *recent developments* in the situation, including salient events that may have increased the risk of mass atrocities, improved circumstances faced by populations or advanced accountability efforts.

Offers *analysis* of the factors and indicators that have enabled the possible commission of mass atrocity crimes or prevent their resolution.

Provides an atrocity *risk assessment* listing five key factors that are contributing to the worsening of the situation or exacerbating the risks to populations drawing upon the UN Framework of Analysis for Atrocity Crimes and other analytical tools.

Suggests *necessary action* to prevent or halt the commission of mass atrocity crimes.

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