

## 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.

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## 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

Since Taliban forces effectively overthrew the Afghan government in August 2021, 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.

The Taliban have implemented restrictive policies and practices that deny women and girls their human rights and fundamental freedoms, perpetuating extreme forms of gender-based discrimination and flagrantly violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Sweeping repressive edicts and decrees targeting women and girls severely limit freedom of movement, freedom of opinion and expression, employment opportunities, political and public representation, and access to education and healthcare. Victims of gender-based violence endure physical and psychological suffering with limited access to protection services or accountability mechanisms. Women's rights activists and human rights defenders have also faced targeted killings, enforced disappearances, incommunicado detention, attacks and harassment.

The Human Rights Service of the UN Assistance Mission in Afghanistan (UNAMA) has verified over 3,774 civilians killed or wounded from 15 August 2021 to 30 May 2023, mostly in attacks with improvised explosive devices (IEDs) and other deliberate attacks. Many of these attacks were attributed to

ISIL-K, and over 1,218 of the documented civilian casualties occurred in IED attacks on places of worship, which have been increasingly targeted since the Taliban took over. ISIL-K frequently claims attacks that target Shia Hazara, other Shia Muslims, Sufi Muslims, Sikhs and other minorities. 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. Individuals from ethnic and religious minority communities have been arbitrarily arrested, tortured, summarily executed and forced to flee.

UNAMA has also documented evidence of the Taliban de facto authorities committing extrajudicial killings, arbitrary arrests and detentions, incommunicado detention and torture and ill-treatment against specific groups, including media workers and human rights defenders. According to UNAMA, from August 2021 to June 2023 the Taliban perpetrated over 800 instances of violations against former members of the Afghan National Defense and Security Forces, including the Afghan National Army and Afghan National and Local Police, in all 34 provinces. UNAMA has also documented over 1,600 cases of human rights violations committed by the Taliban during the arrest and detention of individuals, nearly 50 percent of which are acts of torture and other cruel, inhuman or degrading treatment.

The people of Afghanistan are enduring a severe humanitarian crisis, compounded by the impact of sanctions and the freezing of state assets. 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. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), two-thirds of Afghanistan's population need urgent humanitarian aid to survive.

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 his office would focus on crimes allegedly perpetrated by the Taliban and ISIL-K and de-prioritize other aspects of the investigation, including acts committed by Afghan national security forces, US forces and the CIA.

## RECENT DEVELOPMENTS

According to a June 2023 joint report by the UN Special Rapporteur on the situation on human rights in Afghanistan and the Working Group on discrimination against women and girls, the Taliban de facto authorities may be perpetrating gender persecution and gender apartheid as they appear to be governing through systematic discrimination with the intent to subject women and girls to total domination. Afghanistan is the only country in the world that bans women from working for international organizations, including the UN. On 27 April the UNSC unanimously adopted Resolution 2681, condemning the Taliban's ban on Afghan women from working for the UN in Afghanistan, saying that it undermines human rights and humanitarian principles.

Ethnic and religious minorities, particularly the Shia Hazara, continue to be systematically targeted, including through regular attacks in Dasht-e-Barchi that target the Shia Hazara.

## ANALYSIS

The risk of further war crimes and crimes against humanity persists and impunity for past and ongoing violations has enabled crimes to continue. The continued targeting of ethnic and religious minorities indicates that the Taliban is likely unable or unwilling to protect vulnerable populations.

The Taliban de facto authorities frequently target 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. Targeted attacks are largely unreported due to the Taliban's continued crackdown on independent media and a closed civic space.

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 gender persecution, a crime against humanity. Continued restrictions on fundamental freedoms and impunity for abuses against women and girls creates an enabling environment for 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.

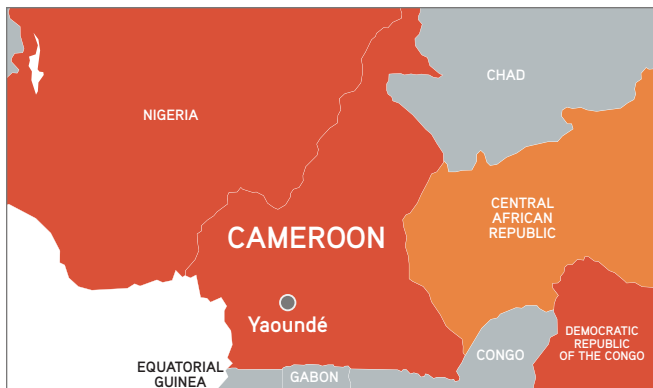
- Lack of independent media and crackdown on civil society and human rights defenders.
- Weakness of state structures to protect vulnerable populations and an unwillingness of the de facto authorities to uphold obligations under international law.

## 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 should allow the international community to provide assistance to meet these obligations.

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. 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 likely atrocity crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. Ongoing investigations at the ICC should include the crime against humanity of gender persecution. 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. Armed extremist groups also pose an ongoing threat in the Far North region.

### BACKGROUND

More than 6,000 people in Cameroon have been killed as a result of violence in the north-west and south-west regions since 2016, when 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.

During the conflict, 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. Separatists and government forces have also 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 638,421 people have been internally displaced by violence in the two regions while more than 87,402 have fled to Nigeria.

Separatists have banned government education and frequently attack, threaten and abduct students and teachers, as well as burn, destroy and loot schools, robbing children of their education. According to OCHA, at least 13 violent incidents against education were reported during the first six months of 2023 and 2,245 schools are not functioning in the Anglophone regions.

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 previously 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.

In the Far North region of Cameroon, populations are also facing atrocity risks posed by the armed extremist group Boko Haram. Since early 2023 the group has increased its attacks, prompting Cameroonian officials to request additional troops from the regional Multinational Joint Task Force (MNJTF) to be deployed.

### RECENT DEVELOPMENTS

At the beginning of September, armed separatist groups imposed a two-week lockdown to delay the resumption of the academic year. In addition to the lockdown, separatists continued their attacks on schools, including killing two head teachers in the Boyo Division, north-west region, on 2 September for promoting school resumption. On 19 September school buildings were set ablaze in Zhoa, north-west region, while alleged armed separatists attacked a Catholic primary school in Kembong, south-west region, on 26 September, injuring a priest and three teachers.

On 4 October armed separatists from the Ambazonia Defense Forces publicly executed two unarmed civilians in Guzang, north-west region, after accusing them of collaborating with the government. The executions were filmed and shared widely on social media.

Local sources reported to OCHA that armed separatist groups killed at least 25 civilians on 6 November in Mamfe, south-west Cameroon, to disrupt celebrations marking Paul Biya’s 41st anniversary as President. At dawn the armed group set houses ablaze while people were sleeping. On 7 November the UN Secretary-General condemned the attack and urged parties to work toward a political solution.

Between August and late October more than 40 people were killed and 14 abducted in the Far North region.

Between 22-23 October at least 50 civilians, including students, were abducted by unknown gunmen in two separate incidents in Touboro and Koutere, near the border with Chad. This was the largest attack on civilians in the area in the last several years.

## ANALYSIS

The international community often perceives the conflict in the Anglophone region exclusively 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 has evolved from a political dispute to a multifaceted security crisis and humanitarian catastrophe.

Civilian populations, particularly women and children, are disproportionately bearing the brunt of violence. 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. Ethnic communities are also often targeted for their alleged collaboration with either side of the conflict.

The conflict dynamics in the Anglophone regions have changed as the crisis became increasingly financially lucrative, with separatist groups having expanded their sources of revenue through kidnapping and extortion. The fact that armed separatist groups are not unified, but increasingly disorganized and competing, 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

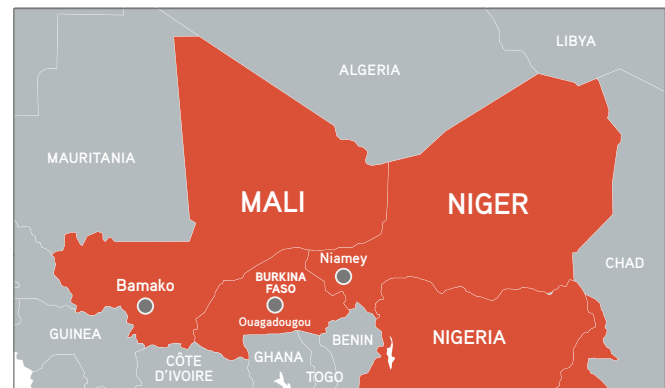
- Past or present discriminatory, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Political and social instability caused by disputes over power and growing armed opposition movements.
- Increased politicization 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 halt attacks on civilians and civilian infrastructure. Safe and unfettered humanitarian access should 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. Civilian protection must be enhanced in the Far North region.

The government should hold an inclusive dialogue with parties to the Anglophone crisis, mediated by a neutral player on neutral territory.

The African Union (AU) and Economic Community of Central African States (ECCAS) 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, as well as security operations to confront them, threaten populations in the Central Sahel – Burkina Faso, Mali and Niger – with violations that may amount to crimes against humanity and war crimes.

## 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 – 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. An estimated 2.7 million people are internally displaced in the region, including 2.1 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 as they seek to control supply routes and increase their areas of influence. In Burkina Faso, over 1 million people are living in areas fully or partially besieged by armed groups and face daily threats of violence. 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 and have targeted humanitarian workers and MINUSMA. Throughout the region violence has also taken place between rival ethnic militias and community-based self-defense groups resulting in countless abuses.

The UN Children’s Fund reported that 2022 was the deadliest year for children in the Central Sahel since the crisis began. Niger was added as a situation of concern to the UN Secretary-General’s annual report on children and armed conflict given the gravity and number of violations reported in 2022. Armed Islamist groups across the region have routinely targeted secular state education, burning schools and threatening, abducting or killing teachers. The number of schools closed increased nearly sixfold between 2019 and 2023, from 1,700 to more than 9,000.

Counterterrorism operations have often led to human rights violations and abuses that may amount to war crimes. 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. OHCHR found evidence of the FAMA and mercenary operatives perpetrating hundreds of summary executions, rape, sexual violence and torture against civilians while a July 2023 report by the UNSC-mandated Panel of Experts on Mali warned that FAMA troops and mercenaries are allegedly perpetrating systematic sexual violence and other grave abuses to spread terror. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes along ethnic lines, particularly targeting the Fulani community.

The region has faced significant political and security upheaval in recent years. Both Mali and Burkina Faso have each undergone two military coups since 2020 and in July 2023 a military coup

occurred in Niger. On 16 September Burkina Faso, Mali and Niger created the Alliance of Sahel States, a mutual defense pact to combat terrorism and organized crime, as well as to assist each other in the event of rebellion or external aggression.

In the past year, human rights defenders, journalists and real or perceived critics of the transitional military authorities have faced increasing reprisals, including threats, intimidation and arbitrary arrests. Burkinabé authorities are abusing an emergency law to conscript perceived critics to participate in counterinsurgency operations, according to Human Rights Watch.

## RECENT DEVELOPMENTS

In April Burkinabé authorities announced a “general mobilization” of the military in a purported effort to curtail the spread of violence and recapture territory lost to armed Islamist groups. Despite this, more than 1,700 civilians have been killed so far in 2023. According to Amnesty International, al-Qaeda affiliated Ansaroul Islam and other armed groups are enforcing sieges in at least 46 localities and committing war crimes.

On 16 June the Malian transitional authorities called for the immediate withdrawal of MINUSMA. In keeping with the host state’s request, on 30 June the UNSC unanimously voted to end MINUSMA by 31 December. MINUSMA is using its remaining capacities to focus on a safe and orderly drawdown and withdrawal and is no longer authorized to respond to imminent threats of violence against civilians. Dozens of peacekeepers have been injured by explosive devices hit by UN convoys while withdrawing from northern Mali.

Since August the FAMA, accompanied by mercenaries, have clashed with the Permanent Strategic Framework (CSP), a collection of armed movements that were signatories to the 2015 Algiers Agreement. More than 200 civilians have been killed since August, according to the Armed Conflict Location & Event Data Project (ACLED). Dozens of arrests and extrajudicial killings have also been reported. Compounding these clashes are growing attacks by armed Islamist groups in northern and central Mali.

According to ACLED, the first month of military rule in Niger was characterized by a 42 percent increase in political violence compared to the previous month, primarily due to continued activity by armed Islamist groups, organized banditry in the southern Maradi region and intercommunal violence in the western Tillabéri region.

## 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 new alliance will struggle to curb widespread insecurity due to overstretched military forces and limited resources, as well as failing to address root causes of violence.

The expanded area of influence and/or control by armed Islamist groups has resulted in war crimes and serious human rights abuses. Armed Islamist groups appear to be deliberately targeting civilians as a tactic to pressure communities into cooperation or forcibly displace them. The UN Commission of Inquiry (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. The reliance on VDPs has fueled abuses and resulted in increasing attacks against villages that armed Islamist groups accuse of supporting the militias.

The withdrawal of MINUSMA has raised grave concerns regarding the future of civilian protection, as well as independent human rights monitoring and reporting. The drawdown from areas where peacekeepers regularly patrolled has exacerbated an existing security and protection vacuum. The unprecedented fighting in northern Mali threatens to undermine the peace agreement and poses significant threats to the stability and security of the country.

## RISK ASSESSMENT

- Situation of armed conflict and other forms of instability, including political instability caused by irregular regime changes.
- Unresolved long-standing inter-communal tensions and grievances and the use of militias and self-defense groups that perpetrate attacks along ethnic lines.
- Impunity for large-scale atrocities perpetrated by armed Islamist groups and ethnic militias, as well as national militaries and mercenaries.
- Reliance upon counterterrorism operations that stigmatize certain populations.
- Shrinking civic space and crackdown on independent media, human rights defenders and real or perceived opponents.

## NECESSARY ACTION

While countering violent extremism remains crucial in the Central Sahel, it is essential that all armed actors ensure that their efforts do not exacerbate inter-communal tensions or fuel further violence. 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 and improve land management and local governance in areas where atrocity risks are greatest. Authorities should support local reconciliation, dialogue and peacebuilding initiatives. Malian authorities and the CSP should take steps toward de-escalation, including agreeing on an immediate truce and a lasting ceasefire.

The transitional military authorities of the Central Sahel – with support from national human rights commissions, the African

Commission on Human and Peoples' Rights and OHCHR – should investigate all violations and abuses of IHL and IHRL.

The international community should increase funding to community-based protection networks to ensure capacity for the continued monitoring and reporting of atrocity risks as MINUSMA withdraws.



## CHINA

The Chinese government is committing possible crimes against humanity and genocide by systematically persecuting Uyghurs and other predominantly Muslim and/or Turkic groups.

## BACKGROUND

Under the guise of combating religious extremism and terrorism, in recent years Chinese authorities in the so-called Xinjiang Uyghur Autonomous Region (the Uyghur Region) have increased persecution of the ethnic Uyghur community, as well as Kazakhs, Kyrgyz and other predominantly Muslim and/or Turkic groups. While China has perpetrated repressive campaigns against these groups in the northwestern region for several decades, abuses have significantly escalated since 2017 when authorities in the Uyghur Region passed the “Regulation on De-extremification.”

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 the Uyghur Region have been built or expanded between 2017 and 2020, according to the Australian Strategic Policy Institute. There are reports of widespread rape, sexual abuse and torture in these facilities. An estimated 880,000 children – 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 predominantly Muslim and/or Turkic populations, reportedly including forced abortions and sterilizations.

More than 100,000 Uyghurs are also working under conditions that strongly suggest forced labor. Reports have identified at least 135 detention facilities in the Uyghur Region that have on-site factories where detainees are allegedly forced to work. In November 2021 the Helena Kennedy Centre for International Justice 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 the Uyghur Region, implicating nearly the entire global solar panel industry. Forced labor is also tied to the agricultural, aluminum and automobile sectors.

The governments of Canada, the United Kingdom (UK) 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 the Uyghur Region from entering the country. While this has impacted the entry of electronics, pharmaceuticals and clothing, it has minimally impacted other industries with complex supply chains and weak regulation. Investigations by the Outlaw Ocean Project tied Uyghur forced labor to China's fishing industry, warning that the seafood has been exported to the US and Europe.

The expansion of detention and labor facilities has coincided with increased restrictions on religious practice. According to the Uyghur Human Rights Project, at least 1,046 imams and other religious figures from the Uyghur Region have been detained in camps or imprisoned since 2014. Uyghurs around the world also face surveillance, which reinforces fear and social control by the Chinese government. Authorities have also engaged in the systematic destruction of Uyghur cultural heritage.

In January 2021 the US formally accused China of committing genocide and crimes against humanity against the Uyghur population and members of other predominantly Muslim and/or Turkic 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 the Uyghur Region as constituting genocide and/or crimes against humanity.

Former UN High Commissioner for Human Rights Michelle Bachelet released a report on the human rights crisis in the Uyghur Region in August 2022. The report determined that the extent of arbitrary and discriminatory detention of Uyghurs and other predominantly Muslim and/or Turkic groups may constitute crimes against humanity, and that conditions remain in place for serious human rights violations to continue. At the UN Human Rights Council (HRC) in September 2022, a group of 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

adopted a decision under its "early warning and urgent action procedure" and referred the situation to the UN Office on Genocide Prevention and the Responsibility to Protect.

## RECENT DEVELOPMENTS

During a surprise visit to the Uyghur Region on 26 August, President Xi Jinping condoned the government's discriminatory practices, including through deepening efforts in controlling purported "illegal religious activities" and continued counterterrorism measures. Following a visit in mid-August by a 25-state delegation from the Organization of Islamic Cooperation (OIC), Chinese media quoted some representatives as having praised the region's prosperity and development.

On 26 September a group of UN Special Rapporteurs warned of an exponential increase in recent years of policies permitting the forcible separation of young children in the Uyghur Region, which has led to their forced assimilation.

## ANALYSIS

The widespread and systematic persecution of Uyghurs and other predominantly Muslim and/or Turkic groups, including enforced disappearances, forcible transfers, large-scale detention, torture, 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"; "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. The imposition of strict control over populations, including with mass surveillance, has turned the Uyghur Region into a de facto police state.

The Chinese government has responded to increasing international scrutiny by engaging in systematic reprisals against human rights defenders cooperating with the UN system.

## RISK ASSESSMENT

- A history of institutionalized discrimination due to real or perceived threats posed by Uyghurs and other predominantly Muslim and/or Turkic groups.
- Dangerous rhetoric used by the Chinese government to depict Uyghurs and other predominantly Muslim and/or Turkic groups as terrorists.
- Widespread or systematic practices or violence against the lives, freedom or physical and moral integrity of Uyghurs



and other predominantly Muslim and/or Turkic groups, including policies that indicate an intent to erase and/or forcibly assimilate populations in the Uyghur Region.

- 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 forced labor and 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.” All of the recommendations issued by OHCHR should also be implemented.

Relevant UN experts, including the High Commissioner for Human Rights, should prioritize monitoring the region and provide regular updates to member states. States should utilize the Universal Periodic Review in January 2024 to provide targeted recommendations to Chinese authorities to address ongoing atrocity crimes in the Uyghur Region.

The OIC, Muslim-majority countries and neighboring states should urge China to cease their persecution of Uyghurs and other targeted groups. All UN member states should strengthen, expand and reinforce regulation to ban all goods tied to forced labor in China.



## DEMOCRATIC REPUBLIC OF THE CONGO

Various armed groups in the Democratic Republic of the Congo recurrently indiscriminately attack civilian populations 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 Ituri, North Kivu, South Kivu and Tanganyika 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.

Despite military offensives conducted by the FARDC, with assistance from the UN peacekeeping mission (MONUSCO), violence has escalated in the eastern provinces for several years amidst a surge in attacks by groups like the Allied Democratic Forces, Cooperative for the Development of Congo (CODECO) and the March 23 Movement (M23). Although the government declared military rule in North Kivu and Ituri in May 2021 under a so-called “state of siege” to confront armed groups, and joint military operations have been deployed, including through the East African Community (EAC), these efforts have failed to stem violence or attacks against populations. In 2022 more than 1,800 civilians were killed and thousands injured in Ituri, North Kivu and South Kivu, according to the UN.

Amidst armed conflict and inter-communal violence, the government has cracked down on dissent and infringed on the rights to freedom of expression, peaceful assembly and association. According to the UN Joint Human Rights Office (UNJHRO) in the DRC, there appears to be systematic efforts

to prevent civil society and journalists from investigating allegations of human rights violations and abuses involving the FARDC or highlighting issues related to the state of siege. Ahead of the 20 December 2023 general elections, Congolese authorities have arbitrarily detained and threatened opposition leaders, journalists and human rights defenders and violently suppressed peaceful demonstrations. From January to June UNJHRO documented at least 80 victims in election-related incidents, including summary and extrajudicial executions.

Protracted and resurgent violence and insecurity have exacerbated an already dire humanitarian crisis. According to the International Organization for Migration (IOM), 6.9 million Congolese are internally displaced. Armed groups, in particular CODECO, have perpetrated targeted attacks against displacement sites in eastern DRC, killing hundreds of civilians and causing further displacement. At times the FARDC and MONUSCO have failed to prevent or stop these attacks. Widespread checkpoints and other deliberate movement restrictions by armed groups and, occasionally, the FARDC have prevented communities from accessing vital assistance.

## RECENT DEVELOPMENTS

The security situation in Ituri and North Kivu has deteriorated despite ongoing diplomatic efforts by the EAC and International Conference on the Great Lakes Region (ICGLR). Since January a surge of violence has killed over 770 civilians across Ituri, while the resumption of intense clashes between M23 and a coalition of pro-government armed groups, as well as with the FARDC, have killed or injured dozens since 1 October. More than 450,000 people were forced to flee Masisi and Rutshuru territories in six weeks alone.

Ongoing attacks continue to have a devastating impact on children and women. The number of cases of grave violations against children verified by the UN Monitoring and Reporting Mechanism during the first half of 2023 increased by 41 percent compared to the same period in 2022. A dramatic increase in sexual violence against women and girls has been recorded in the eastern provinces. During July Médecins Sans Frontières treated 1,500 female victims of sexual violence in three displacement camps outside Goma – more than double the number in May. The UN Refugee Agency (UNHCR) recorded more than 8,200 human rights violations in September alone, including killings, looting and rape.

In recent months Congolese authorities and segments of the population have increasingly called for an accelerated withdrawal of MONUSCO. On 16 October the UNSC adopted a presidential statement, expressing its “readiness to decide by the end of 2023 on the future of MONUSCO, its gradual, responsible and sustainable withdrawal and the concrete and realistic steps to be undertaken.”

On 15 June the DRC government submitted a new referral to the ICC requesting the Court investigate alleged crimes committed in North Kivu from 1 January 2022 to date. In July the ICC confirmed a \$31 million reparations order in its existing case against former rebel leader Bosco Ntaganda.

## ANALYSIS

Various armed groups have exploited the absence or weakness of state authority in eastern DRC to perpetrate attacks against civilians for decades. Rampant impunity and competition for control of profitable minerals have enabled the proliferation of such groups. Ethnically motivated and deliberate attacks by armed groups against displaced Congolese have led to waves of secondary displacement while sexual violence is increasingly being used as a weapon of war to terrorize and control communities affected by conflict.

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. A rushed withdrawal of MONUSCO would create a significant security vacuum, putting civilians at risk.

The risk of contested elections and related violence has heightened amid the lack of consensus regarding the electoral process. Ongoing fighting and insecurity have raised concerns that millions of Congolese will be unable to vote.

The UNSC-mandated Panel of Experts on DRC 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 an increase in hate speech and incitement to discrimination in DRC, particularly based on ethnic identity. The UN Special Envoy for the Great Lakes Region has warned of a “very real” risk of a “direct confrontation” between Rwanda and DRC, citing troop mobilization, the absence of direct high-level dialogue and persistent hate speech.

## RISK ASSESSMENT

- Amidst growing political persecution and tensions, the electoral campaign and holding of elections may aggravate existing conditions for localized violence or cause further destabilization.
- Crackdown on civic space, including backsliding on fundamental human rights, have created a climate of growing intolerance.
- Increased inflammatory rhetoric and hate speech and the absence of independent mechanisms to combat it.
- 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 mobilization of troops.

## NECESSARY ACTION

The DRC government and all regional and international forces must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by armed groups. A vetting process within the FARDC should be implemented to identify and provisionally remove individuals who may have been implicated in serious human rights violations while cases are pending.

The DRC government should ensure that security forces do not violate the fundamental freedoms necessary for credible and transparent elections and allow all political parties to campaign. The government and opposition should condemn inflammatory language on-and offline and use peaceful and legal means in the event of contested results.

The EAC, ECCAS, ICGLR and Southern African Development Community should coordinate regional initiatives. 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 uphold human rights and refrain from illicit activities. The international community should suspend military assistance to governments found to be supporting armed groups.

MONUSCO, OHCHR and the Special Adviser on the Prevention of Genocide should further mobilize authorities and civil society to condemn hate speech and the stigmatization and racial profiling of communities.



## ETHIOPIA

Despite a peace agreement, populations in the Tigray region of Ethiopia continue to endure war crimes and crimes against humanity. Populations are also at risk due to inter-communal violence and clashes with government forces, particularly in the Amhara and Oromia regions.

### BACKGROUND

On 2 November 2022 the federal government of Ethiopia and the regional governing Tigray People’s Liberation Front (TPLF) agreed to a cessation of hostilities agreement (CoHA), brokered by the AU, aimed at ending a two-year conflict in northern Ethiopia. From November 2020 – November 2022 the Ethiopian National Defense Forces (ENDF) and its allies, including the Eritrean Defense Forces (EDF), fought in an armed conflict with the Tigray Defense Forces (TDF) which was characterized by widespread violations of IHL and IHRL. The fighting began in the Tigray region and subsequently spread to neighboring Afar and Amhara regions in July 2021. The conflict has caused a humanitarian catastrophe to unfold across northern Ethiopia, with over 1 million people internally displaced.

Possible war crimes and crimes against humanity were committed by all parties. Several UN bodies, including the HRC-mandated International Commission of Human Rights Experts on Ethiopia (ICHREE), and international human rights groups 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 forces and militias and the EDF, with ENDF complicity, are responsible for the ethnic cleansing of Tigrayans from Western Tigray. Amhara authorities have subjected the Tigrayan population to abuses and restrictions on the basis of their ethnicity and removed them from the area while simultaneously calling for Amhara residents to settle there.

Despite the CoHA, ongoing abuses by the EDF and regional Amhara forces have been reported in Tigray, including looting of civilian property, as well as kidnappings and mass detentions. The ICHREE and international human rights groups have documented potential war crimes and crimes against humanity, including sexual violence and extrajudicial killings of civilians.

In April 2023 the government announced plans to integrate regional militia forces into the federal army and police, prompting fears among populations regarding loss of regional autonomy and vulnerability to attacks by other ethnic groups. Protests against the measure in Amhara escalated into intense clashes between the fano, an irregular ethnic Amhara militia, and the ENDF, prompting the federal government to declare a state of emergency for the region on 4 August. The Ethiopian Human Rights Commission reported that civilians and civilian property have been targeted throughout the clashes. The ENDF have also been accused of killing civilians in their search for fano supporters.

Inter-communal and inter-religious violence, particularly between the Amhara and Oromo communities, as well as regional border disputes in other parts of Ethiopia have continued. 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. The ENDF have launched repeated airstrikes in Oromia and extrajudicially executed civilians perceived to be supportive of armed groups. Since April the Ethiopian government and OLA have held two rounds of peace negotiations but have not reached a resolution.

## RECENT DEVELOPMENTS

In a conference room paper published on 3 October 2023 the ICHREE warned of an imminent risk of future atrocity crimes in Ethiopia due to the presence of multiple risk factors identified in the UN Framework of Analysis for Atrocity Crimes. Despite these warnings, UN member states failed to put forward a resolution at the HRC's 54th session to renew the ICHREE's mandate, ending international monitoring of the crises in Ethiopia. On 10 October the UN Special Adviser on the Prevention of Genocide released a statement warning of a heightened risk of genocide and other atrocity crimes.

On 17 November OHCHR warned of ongoing abuses in Amhara, including arbitrary arrests and drone strikes targeting civilian areas. At least 47 people have been killed in five different attacks since October.

## ANALYSIS

Populations in Tigray, Afar and Amhara remain at risk of further war crimes and crimes against humanity due to repeated violations of the CoHA. The unresolved question of the administration of Western Tigray and other disputed territories could reignite conflict, with both Amhara and

Tigrayan ethnic groups claiming control over the land. These risks are amplified by the over 370,000 fighters across the country – with access to small arms – who await unfunded demobilization and reintegration.

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.

Civilians in Oromia remain at heightened risk of atrocities due to fighting between OLA militants and the ENDF. Amharas in Oromia are also particularly vulnerable to attacks by the OLA. In Amhara, civilians are at risk of abuses by the ENDF during their search for fano supporters. The targeting of civilians based on their identity may amount to crimes against humanity.

The non-renewal of the ICHREE due to the eagerness of the EU, US and others to return to a pre-conflict status quo incentivizes the federal government to further entrench impunity and undermines victim's hopes for justice.

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

## RISK ASSESSMENT

- Residual tensions following the conflict and fragile peace process without credible commitment to its implementation.
- Policy or practice of impunity for – or tolerance of – serious violations of IHL and IHRL, atrocity crimes or 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.
- Inflammatory rhetoric, propaganda campaigns or hate speech by political figures to capitalize on the politicization of ethnic identity.
- Lack of trust and confidence in state institutions to resolve conflicts.

## NECESSARY ACTION

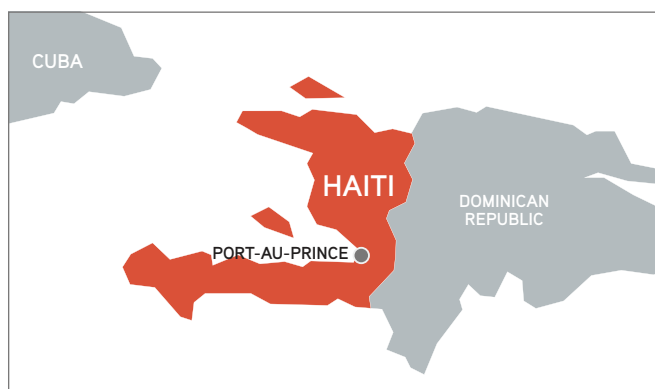
While meaningful steps to implement the CoHA and the unfettered delivery of aid have been taken, the process must continue in good faith. The EDF should immediately withdraw

from Ethiopia. The UNSC should impose an arms embargo and sanctions on spoilers to the peace process.

The federal government must ensure a credible inclusive national dialogue to holistically address the root causes of recurrent inter-communal and ethnic-based conflicts and build trust with victims. The federal government should also advance transparent accountability efforts, including through traditional methods of conflict resolution and justice. The federal government should work with UN Special Procedures and international experts on transitional justice to ensure processes meet international standards.

The government must refrain from violations of international law while conducting military operations and spare no effort to protect civilians. Armed groups must also end the targeting of civilians.

The international community must maintain scrutiny of the crises in Ethiopia following the non-renewal of the ICHREE. Any normalization should be contingent on respect for human rights and assurances of inclusive and transparent transitional justice.



## HAITI

Populations in Haiti are facing possible atrocity crimes due to escalating widespread violence by armed gangs.

### BACKGROUND

Over the past two years, since the assassination of then-President Jovenel Moïse in July 2021, violence has intensified in Haiti, particularly in Port-au-Prince, where armed gangs have rapidly proliferated and are perpetrating widespread abuses in a climate of total impunity. Approximately 200 criminal groups are currently fighting over territory in Haiti, and the UN estimates that 2 million Haitians live in areas under gang control as of October 2023. In 2022 gang violence reached levels not seen in decades, with more than 2,100 murders and 1,300 kidnappings documented.

Throughout 2022 violence escalated across several neighborhoods in Cité Soleil – a commune on the outskirts of Port-au-Prince – where intense turf wars and protracted conflict involving two of the main gang coalitions – the G9 alliance and G-Pèp federation – have led to grave abuses. As rival gangs continue to fight for other parts of Port-au-Prince, populations are often confined to their neighborhood and facing killings, disappearances, gang rape, indiscriminate sniper attacks and destruction of property. A group of UN Special Procedures reported that armed gangs are using systematic sexual violence, including collective rape and mutilation, as a means of exerting territorial control and to terrorize and inflict pain on communities under the control of rival gangs. Refusing sexual demands has led to reprisals, including killings and arson attacks. The Independent Expert on the situation of human rights in Haiti has received reports of possible summary executions by individuals wearing police uniforms, as well as mass arrests of individuals on grounds of criminal association, imprisoned without trial or access to a lawyer.

The UN Secretary-General’s annual report on children and armed conflict added Haiti as a situation of concern due to the gravity and number of violations reported and verified between September 2022 and March 2023. At least 72 schools were targeted between October 2022 and February 2023, and students and teachers continue to face daily threats.

Insecurity has compounded an existing humanitarian crisis. Haitians have little or no access to basic necessities, as armed gangs have blocked essential transport routes and looted humanitarian supplies. Over 200,000 people, half of whom are children, have been internally displaced, a tenfold increase in two years. CERD warned that Haitians on migration routes, at borders and in detention centers in the Americas region have faced killings, disappearances, acts of sexual and gender-based violence and trafficking. According to IOM, over 100,000 Haitians have been forcibly returned from neighboring countries in 2023.

The grave security situation is exacerbated by protracted political deadlock. Prime Minister Ariel Henry has controlled executive and parliamentary functions since July 2021 and has been unable to reach a consensus with Haitian political authorities and civil society representatives to enable a democratic transition. From 4-10 September experts from the Caribbean Community (CARICOM) visited Haiti in a third attempt to advance negotiations.

In response to the multidimensional crisis, in October 2022 the UNSC established a sanctions regime, including an arms embargo, targeted asset freezes and travel ban measures.

### RECENT DEVELOPMENTS

Since the beginning of 2023 several UN officials have warned that insecurity in the Port-au-Prince metropolitan area has

reached levels comparable to countries in armed conflict. Violence has spread to all communes in the metropolitan area of Port-au-Prince and to the Artibonite Valley, Gonaïves and Cap-Haïtien. Since January the UN has recorded at least 3,960 people killed and 2,951 kidnapped. In response to escalating violence, a civilian self-defense movement – known as “Bwa Kale” – emerged in April. Gang members retaliated by creating their own movement known as “Zam Pale.” The UN has documented at least 420 cases of lynching in vigilante justice so far.

Amidst growing insecurity, the Haitian National Police (HNP) has lacked the capacity to combat the territorial expansion of armed gangs and protect communities. Following a year of requests by Prime Minister Henry for the deployment of a multinational security force to combat gangs, on 2 October the UNSC authorized the Multinational Security Support (MSS) mission to Haiti. The MSS is mandated to provide operational support to the HNP to re-establish security in Haiti and build conditions conducive to holding free and fair elections and to protect critical infrastructure sites, among other tasks. In November Kenya’s government said the 1,000 police officers to lead the MSS will not be deployed until conditions on training and funding are met.

## ANALYSIS

Populations living in areas under the control of armed gangs are at heightened risk of grave and widespread human rights abuses, including killings, kidnappings and sexual violence, which may amount to crimes against humanity. The emergence of self-defense movements has resulted in a rise in summary executions and may lead to mobilization, arming and recruitment of youth into gangs. Insecurity in marginalized areas of Port-au-Prince leave many without access to any public services, exacerbating existing inequalities which fuel patterns of exclusion – a driver of violence.

The unprecedented levels of violence stem from intensifying turf wars between armed gangs who are competing for control of strategic resources. Kidnappings and associated requests for ransom are a vital source of income for gangs to carry out operations and purchase weapons.

The prevalence and spread of gang violence across the capital and beyond is also fueled by the power vacuum created since the assassination of former President Moïse. The lack of legitimate executive or legislative bodies, as well as a dysfunctional judiciary, has enabled gangs to continue their activities with impunity. Many of the armed gangs have alleged ties to state authorities or police officers, raising questions about institutional capacity and commitment to fighting gangs effectively and impartially.

## RISK ASSESSMENT

- Proliferation and flow of illicit arms and ammunition to gangs, providing the means for perpetrating atrocities.
- Growing grave acts of violence, including forcible recruitment of children, as well as systematic sexual violence, particularly against women and girls.
- Limited government capacity to combat armed gang activity, as well as ineffective institutions, particularly the judiciary, to confront widespread corruption and impunity.
- Emergence of vigilante groups, heightening tensions and fears over indiscriminate lynchings.
- Near-complete impunity for violence against civilians, emboldening gang members to perpetrate further abuses.

## NECESSARY ACTION

Haitian authorities, with the assistance of countries in the region, must bolster efforts to curb the flow of illicit weapons and ammunition. The UNSC arms embargo should be implemented immediately. Those responsible for serious abuses, as well as those providing support to and financing gangs, should be investigated and prosecuted in line with international human rights standards. Victims must have access to adequate medical and psychosocial care.

The HNP must vet all its members and remove from service any officers who have colluded with gangs or the Bwa Kale movement.

In cooperation with OHCHR, the MSS must establish an oversight mechanism to prevent human rights violations or abuses, as well as strictly adhere to UN protocols on the prohibition of sexual exploitation and abuse. Efforts to secure strategic locations and the country’s main roads should be complemented by initiatives to provide jobs, education and access to basic necessities in gang-controlled areas. In addition to security measures, the international community should give assistance to authorities to restore the rule of law and re-establish democratic institutions.

States in the region must end the collective expulsions and forced returns of Haitians and uphold their obligations under international refugee law and IHRL.



## 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

On 7 October Hamas and other Palestinian armed groups launched a deadly assault into Israel. Militants attacked civilian areas and perpetrated flagrant violations of international law, including capturing and forcibly taking hundreds of civilians as hostages. At least 1,200 Israelis were killed and over 5,400 injured, including many children. Hamas and other armed groups also continuously fired indiscriminate rockets toward Israel.

Following the attacks, Israel launched relentless bombardments across the Gaza Strip, targeting and destroying civilian objects. Since 7 October at least 15,000 Palestinians have been killed, including over 6,150 children, according to the Government Media Office in Gaza. The collapse of services and communications at hospitals in the north have prevented updated casualty figures. Israeli air raids have targeted civilian objects protected under IHL, including residential buildings, hospitals, mosques, water and sanitation facilities, telecommunications towers, bakeries, schools and refugee and displacement camps. Approximately 50 percent of all housing units in Gaza have been destroyed or damaged. Several hospitals have been raided by the Israeli military and reportedly forcefully evacuated. On 28 October Israeli forces began major ground operations in the Gaza Strip, encircling and attacking Gaza City with tanks and armored vehicles.

On 9 October Israel imposed a complete siege of Gaza, resulting in acute shortages of water, food and medicines that threatened the survival of 2.3 million Palestinians and created a dire humanitarian crisis. On 11 October Israel cut off the electricity supply to Gaza, resulting in an ongoing blackout contributing to the collapse of hospitals and water and sanitation services. Israel has issued multiple evacuation

orders for northern Gaza, including to hospitals providing care, and Israeli forces have effectively severed areas north of Wadi Gaza from the south since the start of their ground invasion. Over 1.1 million people lived in northern Gaza before the start of hostilities, and at least 1.8 million are currently internally displaced. Palestinians remain trapped in Gaza as Israeli authorities closed the Erez and Kerem Shalom Crossings while transit through the Rafah Crossing from Egypt remains heavily restricted.

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been occupied by Israel since 1967. Various UN officials and investigative mechanisms have reaffirmed that Israel’s permanent occupation of Palestinian territory has no legal validity and has resulted in de facto annexation, which may amount to a war crime. The occupation has been characterized by the perpetual expansion of Israeli settlements into Palestinian territory with the aim of altering its ethnic demographics. According to OCHA, 948 Palestinian-owned structures have been demolished or seized by Israeli government authorities in 2023 so far, forcibly displacing over 1,676 Palestinians. 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. In March 2022 the UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT) reported that this system satisfies the prevailing evidentiary standard for the crime of apartheid, a crime against humanity.

There have been successive cycles of deadly hostilities between Israel and Hamas and other Palestinian armed groups over the past two decades, during which both Israeli forces and Palestinian armed groups have perpetrated serious violations and abuses of international law that likely amount to war crimes. There has been no effective accountability for these crimes.

The HRC-mandated Col on the OPT concluded in June 2022 that continued occupation and discrimination against Palestinians are key causes of recurrent instability and protraction of conflict in the region. 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.

Palestinians are regularly subjected to violence by Israeli settlers, including physical attacks, shooting with live ammunition, torching of fields and livestock, theft and vandalization of property. Israeli security forces also perpetrate widespread attacks against Palestinians, particularly in occupied territory. According to OCHA, escalating tensions have resulted in 2023 being the deadliest year in the Occupied West Bank, including East Jerusalem, since the UN began documenting casualties in 2005, with over 200 Palestinians

and nearly 30 Israelis killed between January and September. Since 7 October Israeli forces have employed violent military tactics during search-and-arrest operations, raids and in response to demonstrations. Israeli forces have killed over 225 Palestinians, injured over 3,101 others and arrested thousands. OHCHR has received credible reports of ill-treatment in detention, possibly amounting to torture. Settler violence has also escalated, with Palestinians facing an average of six attacks per day. Israeli settlers have killed eight Palestinians and injured 74, while over 1,000 have been displaced. Three Israelis have also been killed in attacks by armed Palestinians.

## RECENT DEVELOPMENTS

*The following section reflects the most up to date assessment of the situation as of 30 November 2023.*

A temporary humanitarian pause between Israel and Hamas began on 24 November and has since been extended until 1 December. The pause facilitated the release of dozens of Israeli and foreign hostages that had been held captive in Gaza since 7 October, as well as the release of dozens of Palestinians held in Israeli jails. The pause in fighting also allowed humanitarian actors to accelerate the delivery of live-saving aid across the Gaza Strip, while hospitals, water and sanitation facilities and displacement shelters received much-needed fuel to enable their vital operations.

A group of UN Special Procedures have issued multiple warnings regarding a risk of genocide against the Palestinian people in light of dehumanizing statements made by Israeli officials and the accompanying bombardments and imposition of a total siege, while the Special Rapporteur on the situation of human rights in the OPT warned on 14 October that Palestinians in Gaza are in grave danger of ethnic cleansing.

Since 16 October four draft resolutions failed to pass in the UNSC either due to insufficient votes or vetoes cast by Permanent Members, including the US and Russia. On 15 November the UNSC passed a resolution with 12 votes in favor, calling for urgent and extended humanitarian pauses. During an Emergency Special Session of the UN General Assembly (UNGA) on 27 October, 121 member states voted in favor of a resolution that called for an immediate “humanitarian truce leading to a cessation of hostilities.”

## ANALYSIS

During their attack on Israel, Hamas and other Palestinian armed groups perpetrated likely war crimes, as well as potential crimes against humanity. Hamas’ indiscriminate rocket attacks are also in violation of international law. Israel’s disproportionate attacks on civilians and civilian objects likely amount to war crimes, while the mass displacement of Palestinians in Gaza likely amounts to the war crime and crime against humanity of forcible transfer. Ground operations pose increased risks to civilians. Recent proposals to create

unilateral “safe zones” in Gaza would produce immense risks to civilians, including large-scale loss of life and increased chances of targeted attacks.

The imposition of sieges that deprive civilians of goods essential to their survival as a punitive measure may amount to collective punishment, a violation of IHL. While Israel has imposed an air, sea and land blockade of Gaza since 2007, the latest siege likely amounts to intentional starvation of civilians as a method of warfare – a war crime – and may amount to a crime against humanity. Recent steps taken to address the growing humanitarian catastrophe in Gaza remain exceedingly insufficient to address the scale of human suffering.

Since its formation in 1987, Hamas has consistently refused to recognize the State of Israel and has at times proliferated inflammatory and hateful rhetoric against Israelis and Jews. Hamas’ security forces have committed grave abuses against Palestinians in Gaza, including arbitrary arrests, summary executions and torture. Any use of human shields by Hamas in the context of the current hostilities may amount to a war crime.

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.” Settlement expansion effectively guarantees that the occupied territory will remain under Israeli control in perpetuity leading to de facto annexation. Seizures and demolitions of Palestinian and Bedouin land and property leave communities at risk of forced evictions, arbitrary displacement and forcible transfer. Israel’s permanent occupation endangers the cultural existence of the Palestinian people and violates their right to self-determination.

## RISK ASSESSMENT

- Ongoing likely war crimes and crimes against humanity, including bombardments, ground offensives, evacuation orders and siege tactics.
- Violence, attacks, mass arrests and likely forcible transfer in the Occupied West Bank.
- Institutionalized systematic racial oppression and discrimination against Palestinians amidst perpetual occupation amounting to de facto and illegal annexation of Palestinian land.
- Impunity for past likely atrocities perpetrated by Israeli security forces and Palestinian armed groups.
- Dehumanizing hate speech and incitement to violence between groups.

## NECESSARY ACTION

All likely war crimes and crimes against humanity must halt immediately. Hamas and other Palestinian armed groups must safely and unconditionally release all individuals taken hostage. Israel should immediately lift the siege of Gaza to allow the flow of critical supplies and ensure safe and unimpeded access



for the delivery of humanitarian aid. A permanent ceasefire must be urgently reached and monitored by an independent, international body. All parties should condemn anti-Semitic, anti-Arab and Islamophobic hate speech and leaders must refrain from spreading and engaging in dehumanizing rhetoric and actions.

The international community should impose accountability measures for all previous and ongoing violations of international law in Israel and the OPT to end the cycle of impunity. The ICC should accelerate its investigation into likely war crimes and crimes against humanity under its jurisdiction both before and during the latest hostilities. Israel should ratify the Rome Statute of the ICC and cooperate with all UN-mandated investigative mechanisms.

Root causes of cycles of violence and atrocities must also be addressed. Israel must lift its 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. All parties should work toward a sustainable political solution consistent with international law and various UNSC resolutions.



## MYANMAR (BURMA)

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

### 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. At least 4,177 people have been killed by security forces and anti-junta groups, while 1.7 million people have been displaced since the coup. On 1 August 2023 the Tatmadaw extended the state of emergency for another six months.

The Tatmadaw has increasingly 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. According to Data for Myanmar and the UN High Commissioner for Human Rights, 75,000 homes have been burned or destroyed since the coup, including 24,000 from January to July 2023 alone. Aerial bombardments have also indiscriminately targeted schools and monasteries. The Women's League of Burma has documented conflict-related sexual violence, including incidents where women have been gang-raped by soldiers and raped at checkpoints. The UN High Commissioner for Human Rights has documented the military's systematic denial of humanitarian aid to civilians and intentional blocking humanitarian access.

Since the coup the military has arbitrarily detained thousands of people involved in resisting the junta. 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. Although the junta has announced several mass prisoner releases, the Special Rapporteur on the situation of human rights in Myanmar has said that at least 19,000 people remain detained for resisting the coup. The junta has also taken steps to block and ban anti-military parties, including by effectively dissolving the previous government's National League for Democracy and nearly 40 other political parties in March 2023.

The Association of Southeast Asian Nations (ASEAN) agreed to a "Five-Point Consensus," which called for a cessation of hostilities, among other steps, in April 2021, but subsequent regional pressure has been limited. 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. Numerous governments have attempted to restrict the junta's capacity to commit crimes through a variety of measures, including by imposing extensive targeted sanctions on its leaders, military-affiliated companies and others who enable their crimes. Some states have also suspended development funds, imposed arms embargos banned dual-use goods for the military and the supply of aviation fuel to Myanmar, among other measures.

Prior to the coup, 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 an 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, as well as for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. Despite ongoing risks underscored by the UN and international human rights organizations, the junta and Bangladesh have promoted a “pilot repatriation program” for Rohingya to return to Myanmar.

Several 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 International Court of Justice (ICJ) initiated by The Gambia accusing Myanmar of violating its obligations under the Genocide Convention. Cases have also been brought forward under the principle of universal jurisdiction in Argentina, the Philippines and Türkiye.

## RECENT DEVELOPMENTS

On 19 September the UN High Commissioner for Human Rights, Volker Türk, released a report highlighting the sharp increase in abuses against civilians since April 2022, including a two-fold increase in junta airstrikes. The report documented various abuses by the junta, such as burning alive, dismembering, raping and beheading those unable to flee villages during attacks, including children, the disabled and elderly.

On 27 October a coalition of ethnic armed groups launched “Operation 1027” against the junta, capturing military outposts in Shan, Kachin, Sagaing, Magway and Kayah states. Other groups have subsequently increased attacks, including some PDFs and the Arakan Army in Rakhine State, breaking a year-long informal ceasefire with the junta. According to OCHA, the fighting has killed at least 200 civilians and displaced over 335,000 people.

On 31 October Canada, the UK and US imposed a ban on financial transactions with state-owned Myanma Oil and Gas Enterprise, the military’s largest source of revenue. Canada also expanded its prohibitions on the “export, sale, supply and shipment” of jet fuel to the junta.

On 16 November Canada, Denmark, France, Germany, the Netherlands, the UK and the Maldives filed declarations of intervention with the ongoing case against Myanmar at the ICJ.

## 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 perpetrate indiscriminate aerial bombardments in civilian

areas. Operation 1027 is the most significant challenge to the junta since the coup and may prompt an intensification of indiscriminate and disproportionate attacks, heightening the risks for civilians.

The Tatmadaw’s reported use of surveillance technology and internet shutdowns appears to help facilitate the commission of atrocities and shield itself from accountability. Military forces perpetrated pervasive sexual and gender-based violence during the Rohingya clearance operations and appear to be continuing this pattern of abuse in their conduct against those perceived as resisting the junta.

Divisions within the UNSC and ASEAN have hampered the development of a coordinated international response to atrocities in Myanmar.

The coup, ongoing hostilities and a lack of trust complicate the prospects for the safe, dignified and voluntary repatriation of Rohingya refugees from Bangladesh.

## RISK ASSESSMENT

- Impunity for decades of atrocities 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, India and others 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 and block the military’s access to aviation fuel. Foreign companies should immediately divest and sever ties with all businesses linked to the military.

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

More states should formally intervene in the ICJ case. All those responsible for atrocity crimes, including senior military leaders, should face international justice.



## NICARAGUA

As part of a systematic attempt to crush dissent, the government of Nicaragua is perpetrating widespread violations and abuses that may amount to crimes against humanity.

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### BACKGROUND

In April 2018 tens of thousands of people took to the streets in Nicaragua to protest severe pension cuts. While cracking down on demonstrations, the 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. Between April and September 2018 at least 320 people were killed and 2,000 injured in the ensuing violence and crackdown. In 2018 the UN High Commissioner for Human Rights and an Interdisciplinary Group of Independent Experts mandated by the Inter-American Commission on Human Rights (IACHR) documented widespread and systematic violations and abuses of human rights on behalf of state authorities and pro-government actors between April and May 2018, including murder, persecution and arbitrary deprivation of liberty. In response to these reports, the government expelled OHCHR and the Group of Independent Experts from the country.

Since then, the Nicaraguan government has rapidly descended into authoritarianism, resulting in an unprecedented human rights crisis. Under President Daniel Ortega, 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. Repression intensified in the context of the 2021 presidential elections, when the government banned large parts of the opposition from participating. Violence has also been perpetrated against indigenous and Afro-descendant peoples, including killings, harassment, the invasion of their lands and the deliberate burning of homes. Various government structures are committing widespread human rights violations and abuses

that may amount to crimes against humanity, including murder, imprisonment, torture and sexual violence, deportation and politically motivated persecution. Ongoing political persecution has forced many Nicaraguans to flee. According to UNHCR, in 2022 Costa Rica hosted 253,800 refugees and asylum-seekers, of which 88 percent were Nicaraguans.

In its first report released on 2 March 2023, the HRC-mandated Group of Human Rights Experts on Nicaragua (GHREN) found that the 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 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. Dozens of government critics remain arbitrarily detained under what the GHREN has defined as a state policy.

The 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 local rights groups, the GHREN and OHCHR suggest that over 3,000 NGOs have been forcibly shut down since December 2018 – more than half of which were closed in the past year. Several universities have also had their legal personality cancelled over the past year.

### 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 19 August the US announced the imposition of visa restrictions on 100 Nicaraguan officials who curtail Nicaraguans' human rights and undermine democracy.

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. This operation was likely the highest number of detentions registered on a single day since the so-called “Operation Clean-Up” in 2018.

On 12 September the GHREN warned that political persecution has continued to intensify in recent months, including patterns of attacks against universities, students and professors, concluding that these may constitute the crime against humanity of persecution on political grounds. The GHREN also documented the deliberate denial of re-entry to Nicaragua for those who have been forced to flee. Both the GHREN and OHCHR also warned about the sharp escalation in frequency

and gravity of attacks against the Catholic Church in recent months. At least 50 religious leaders have fled the country since 2018.

## ANALYSIS

Ongoing crimes against humanity have been facilitated in part by the deliberate dismantling of democratic institutions and safeguards enabling systematic policies to silence dissenting voices, as well as impunity for human rights violations since President Ortega took office in 2007. Civic space has been under systematic attack and no independent media outlet can operate within the country. In the absence of an independent national judicial system, domestic avenues to ensure redress for victims of state-led violence remain elusive.

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

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 helps facilitate the commission of atrocity crimes. Pervasive impunity for violations committed before and since 2018 enables ongoing crimes against humanity.

The Nicaraguan government has been unresponsive to targeted sanctions imposed by the EU, US, Canada and others. Ongoing investigations and public reporting by the GHREN remain crucial to ensure international scrutiny on the deteriorating crisis and exert pressure on UN member states to respond to ongoing atrocity crimes.

## RISK ASSESSMENT

- Efforts by the Ortega administration to maintain absolute power facilitates systematic violations and 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 creates significant protection gaps for populations at risk.
- Instrumentalization of the judicial system facilitates the persecution of actual or alleged opponents and perpetuates impunity.
- Ongoing violence against indigenous and Afro-descendant peoples.

## NECESSARY ACTION

The government of Nicaragua must immediately halt the systematic 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 GHREN. All human rights violations and abuses should be independently investigated and those responsible held accountable, including at the highest level of government.

UN member states should utilize the evidence collected by the GHREN to pursue accountability for victims, including through universal jurisdiction. Latin American governments, together with the EU and other allies, should intensify efforts to ensure a coordinated, consistent and holistic response to the crisis which prioritizes human rights protection and democratic reform, in consultation with Nicaraguan civil society.

Governments and regional institutions should also maximize bilateral 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 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 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. Largely in response to these growing tensions, armed groups and gangs, including so-called “bandits,” have formed. For years the groups have perpetrated widespread abuses, including organized cattle-rustling, kidnapping, plunder, murder and rape. Armed bandits

are also occupying vast swaths of farmland, prompting many farmers to abandon their land out of fear of attack.

In attempts to curb the activities of armed bandits, the government has intensified its military operations in affected areas since late 2021, including through airstrikes where such groups operate. In January 2022, under the Terrorism Prevention Act, the Nigerian government designated these groups as “terrorists.” Over 100 civilians were killed in government airstrikes in December 2022 and January 2023 in Nasawara, Benue and Zamfara states. The UN Special Adviser on the Prevention of Genocide subsequently 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.

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. In 2009 Boko Haram launched an insurgency aimed at overthrowing Nigeria’s secular government and establishing an Islamic state. In 2015 the AU authorized the regional MNJTF to combat armed extremism, but the threat posed by the groups persists. More than 35,000 people are estimated to have been killed as a result of Boko Haram attacks between 2009 and 2020. Their tactics include 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 civilians. During 2022 the UN verified 524 grave violations against 307 children in north-east Nigeria, including forced recruitment, abductions, killing, maiming and sexual violence. The UN also verified 10 attacks against schools and hospitals attributable to ISWA. Civilians are also facing the risks resulting from mines and explosive ordnances, including the widespread use of IEDs by armed groups. According to the UN Mine Action Service, Nigeria ranked second in the number of IED incidents during 2022. Boko Haram and ISWA have also perpetrated attacks in neighboring countries, killing and displacing civilians in Cameroon, Chad and Niger.

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 8.3 million people – approximately 80 percent of whom are women and children – requiring urgent assistance. There are almost 2.2 million internally displaced persons (IDPs) in Adamawa, Borno and Yobe states, where Boko Haram and ISWA remain active.

## RECENT DEVELOPMENTS

Kidnapping and violence against civilians continue unabated, with near-daily attacks. On 22 September armed bandits attacked the hostel of a university and kidnapped 24 female students, a security guard and 10 construction workers. Two days later, at least eight people were killed and 60 others, mostly women and children, were abducted from two communities. On 25 November at least 150 civilians, including women and children, were kidnapped in a coordinated attack by armed groups on four villages in Zamfara State.

At least 40 people were killed in Gurokayeya village, Gaidam local government area in Yobe State on 1 November, when suspected Boko Haram fighters shot and killed civilians and set off a landmine. On 5 November Boko Haram attacked and killed at least 15 farmers and abducted an unspecified number of others in three villages in the Mafa local government area, Borno State.

## 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 continue to expand their areas of operation. Despite notable progress by the MNJTF against Boko Haram, civilians remain at risk of attacks and identity-based violence. Security forces have also reportedly violated human rights during counterterrorism operations, including excessive use of force, extrajudicial killings of suspected members of Boko Haram and ISWA and indiscriminate airstrikes.

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. Growing desertification has also exacerbated tensions between communities as the loss of grazing land in the north has driven many ethnic Fulani herdsman 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. The federal government and states must improve coordination to develop a common strategy that addresses the country's protection issues.

Utilizing the Economic Community of West African States' 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 enduring war crimes and crimes against humanity due to an armed confrontation between the Sudanese military and paramilitary forces. Non-Arab communities in Darfur are at risk of genocide as result of escalating ethnically motivated killings.

## BACKGROUND

On 15 April violent clashes broke out between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). More than 10,400 people have reportedly been killed as result of rocket shells, bombardments and heavy artillery, though the actual figures are likely much higher. In their fight to preserve and expand control, both parties have perpetrated indiscriminate and deliberate attacks against civilians and civilian objects that amount to war crimes and crimes against humanity. There have also been reports of the brutal and widespread use of sexual violence, including rape, sexual assault, exploitation and sexual slavery. Access to food, medical care and other essential services has been severely disrupted and restricted. According to OCHA, over 5.1 million people have been internally displaced since 15 April while an additional 1.2 million have fled to neighboring countries.

The conflict has triggered an alarming escalation in ethnically motivated violence in various parts of the country. Since April, large-scale attacks have been perpetrated as part of a systematic campaign targeting non-Arab communities. Dozens of cities, towns and villages have been fully or partially destroyed across Darfur. Evidence suggests that Arab affiliated militias and the RSF are targeting civilians from Massalit and other non-Arab communities on the basis of their ethnic identity and have committed ethnic cleansing. Mass graves have been identified in El Geneina and Misterei, West Darfur.

Strong condemnation and diplomatic efforts by the UN, AU, Intergovernmental Authority on Development (IGAD) and various countries, including Saudi Arabia, Egypt, South Sudan and the US, have not resulted in a permanent end to hostilities.

The conflict was initially sparked by mounting tensions between General Abdel Fattah al-Burhan, commander of the SAF, and General Mohamed Hamdan “Hemedti” Dagalo, commander of the RSF, 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. Sudan has undergone significant political changes since former President Omar al-Bashir was overthrown after country-wide protests in 2019. 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. Following the coup, millions of protesters demonstrated across the country, demanding the reinstatement of a genuine civilian-led government.

## RECENT DEVELOPMENTS

Civilians continue to be caught in the crossfire or deliberately targeted as both parties attempt to maintain and expand control. Heavy fighting and airstrikes continue unabated in Khartoum, Omdurman, Bahri and Sharg El Nil. On 10 September at least 40 people were killed following an airstrike by the SAF on a market in southern Khartoum. During November fighting drastically escalated in densely populated areas in Omdurman, with aerial bombardments, artillery shelling and heavy ground combat affecting entire neighborhoods and killing dozens of civilians.

During October and November, the RSF gained control over large parts of Western Sudan, including Nyala, Baleela, Zalingei and El Geneina. Reports and videos circulated on social media in early November describing the RSF going door-to-door in Ardamata, rounding up and killing members of the Massalit community and arbitrarily detaining civilians. Local human rights organizations claim that between 1,300 and 2,000 people were killed in three days. At the time of publication, the RSF and SAF were fighting for control of El Fasher.

On 11 October the HRC established an FFM to investigate and establish the facts, circumstances and root causes of human rights violations and abuses and atrocities, to collect and preserve evidence, to identify responsibility and to make recommendations to end impunity.

Despite the escalation of fighting, on 16 November Sudan’s military authorities requested the immediate termination of the UN Integrated Transition Assistance Mission in Sudan. On 17 November the UN Secretary-General appointed a Personal Envoy on Sudan.

## ANALYSIS

Since former President Bashir was ousted, General Burhan and General Hemedti have consistently obstructed Sudan’s political transition 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. The transition process did not receive the necessary support from civil society groups and experts who felt that involving the military in negotiations legitimized the 2021 coup and rewarded actors involved in grave human rights violations and atrocities.

For decades, the Arab-dominated government imposed its control on ethnic minorities and exploited ethnic divisions and the presence of armed Arab militias, resulting in competition and deadly conflicts over shrinking resources and pastoral land. Local authorities lack the capacity and resources to ensure the protection of civilians. Civilians in Darfur, particularly those from non-Arab communities, are at risk of ethnic cleansing and genocide given the region’s genocidal history, entrenched impunity for past crimes and the ethnically charged nature of the current violence. A ceasefire agreement will not bring an end to the parallel campaign of identity-based mass violence in Darfur. The RSF’s recent military advancement across Western Sudan increases the risk of atrocity crimes and has raised the prospect that the RSF will further advance toward other cities.

Impunity has allowed those responsible for atrocity crimes and grave human rights violations to remain in leadership positions. During his dictatorship, former President Bashir, government officials and militia leaders were allegedly responsible for crimes against humanity, war crimes and acts of genocide, for which they were indicted by the ICC following a 2005 UNSC referral. As a commander of the Janjaweed, the forerunner of the RSF, General Hemedti was also implicated in atrocities committed during the conflict in the Darfur region and beyond.

## 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.
- Deliberate targeting of civilians based on their ethnicity, which may amount to ethnic cleansing and genocide.
- Past or present serious discriminatory, segregationist, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups, some of which may amount to crimes against humanity and acts of genocide.
- Absence of reconciliation or transitional justice processes following conflict and atrocities.

## NECESSARY ACTION

General Burhan and General Hemedti must agree to a permanent cessation of hostilities and ensure adherence to IHL and IHRL by all forces under their command. In addition to ceasefire negotiations, the international community must assess the risk of further atrocities, including evaluating which communities are at imminent risk and determining appropriate response.

It is essential that humanitarian organizations are allowed safe and unhindered access. International donors must utilize more innovative ways of delivering aid to vulnerable populations across Sudan, including by supporting civilian-run Resistance Committees and neighborhood communities.

International and regional actors 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 accounts of companies to which they are connected. The UNSC must consider expanding the existing sanctions regime, including against those responsible for conflict-related sexual violence and the targeting of communities based on their ethnic identity.



## SYRIA

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

### BACKGROUND

Since 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 the most recent civilian casualty figures from OHCHR. Resource, access and logistical challenges in casualty recording impede updated data collection. Nearly 13 million people have been displaced, including 6.7 million Syrian refugees.

Throughout areas under its control, the government systematically perpetrates arbitrary arrests, torture, enforced disappearances and deaths in detention. 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, perpetrate torture, ill-treatment, systematic looting and arbitrary detention.

Syrians continuously suffer from escalating hostilities and unrest along multiple regional frontlines, including across southern, northwest and northeast Syria. In northwest Syria, including in Idlib governorate, ground fighting, shelling and airstrikes have continued despite a ceasefire that has been in place since March 2020. Elsewhere in northern Syria, escalating hostilities and strikes between the SNA and Syrian Defense Forces (SDF) continue while IEDs, as well as indiscriminate shelling and airstrikes, have killed and wounded hundreds of civilians over the past year. 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. The armed extremist group Hay'at Tahrir al-Sham also continues to perpetrate abuses, including arbitrarily detaining activists and journalists and torture and ill-treatment in detention.

In 2014 the so-called Islamic State of Iraq and the Levant 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. At least 52,000 people, mainly women and children, remain trapped in squalid detention camps run by the Kurdish-backed 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, while the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has reported that the indefinite detention of children with no legal process likely amounts to fundamental breaches of the rights of the child under international law.

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 eight, systematically shielding Syria from international accountability measures. On 11 July, due to a veto by Russia, the UNSC failed to renew the mandate for cross-border humanitarian aid



deliveries at the Bab al-Hawa crossing from Türkiye – the only remaining crossing within the cross-border mandate – jeopardizing aid to over four million people in northwest Syria.

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.

## RECENT DEVELOPMENTS

Since September 2023 hostilities have intensified in northwest Syria, with continuous shelling and airstrikes hitting civilian objects and critical infrastructure, including the main power station in Idlib city, schools, health facilities, displacement camps, markets and mosques. According to Human Rights Watch, Syrian forces have used incendiary weapons and widely banned cluster munitions during their attacks. At least 70 civilians have been killed and 303 injured, while approximately 120,000 people have been newly displaced. Attacks, including airstrikes and artillery shelling, have continued on a near-daily basis.

On 8 June Canada and the Netherlands jointly initiated proceedings against Syria before the ICJ concerning alleged violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 16 November the ICJ issued provisional measures calling on the government of Syria to take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment, ensure its officials do not commit any acts of torture and to guarantee the preservation of any relevant evidence.

The Col has reported more than 130,000 arbitrary detentions, abductions or disappearances since 2011, with the majority attributable to the Syrian government. Following intensive advocacy by Syrian victim, survivor and family associations, coordinating under the Truth and Justice Charter, on 29 June the UNGA established the Independent Institution on Missing Persons in Syria, mandated to clarify the fate and whereabouts of all missing persons in Syria and to provide support to victims, survivors and their families.

On 19 September humanitarian aid deliveries resumed at Bab al-Hawa crossing after an agreement was reached between the UN and the Syrian government.

## 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. Government forces have committed murder,

torture and sexual violence as a matter of state policy. 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. It remains unsafe for Syrians to return to their country.

## 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 by all parties to the conflict.
- Limited government cooperation with 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.

UN member states must ensure the Independent Institution on Missing Persons in Syria receives sufficient resources to be able to fully carry out its mandate. UN member states should also 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 widely perpetrated possible war crimes and crimes against humanity since their invasion of Ukraine. Ukrainian forces have also committed potential war crimes.

### 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 HRC-mandated Col on Ukraine has documented evidence of war crimes committed against the civilian population by Russian forces, including indiscriminate attacks, torture and sexual and gender-based violence. The UN has verified more than 10,000 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 10.9 million people, including more than 5.8 million who fled to neighboring countries, and leaving 17.6 million in need of assistance.

The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has documented the widespread use of heavy artillery and multiple launch rocket systems, missiles, airstrikes and illegal cluster munitions in populated areas. Schools, homes, water and sanitation systems and civilian shelters have been routinely targeted. The World Health Organization has verified 1,390 attacks on healthcare since February 2022, the highest number verified in any conflict. Russian forces have bombed and pillaged Ukrainian historical, religious and cultural sites, with UN Educational, Scientific and Cultural Organization (UNESCO) verifying damage to at least 295 cultural sites since February 2022.

In areas under their control, Russian forces have perpetrated grave abuses that may amount to war crimes, including killings, rape and torture. Mass graves and burial sites containing at least 1,500 bodies have been found in areas retaken from

Russian forces in Bucha, Iziurm and Lyman. 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. According to the HRMMU, Ukrainian and Russian forces have also committed abuses against prisoners of war, including torture and ill-treatment. The UN has documented violations of international law by mercenary operatives from the Wagner Group, including enforced disappearances, ill-treatment and extrajudicial executions of prisoners of war.

The UN and the Organization for Security and Co-Operation in Europe have verified evidence of grave crimes against children, including killing and maiming, as well as unlawful transfers and deportations of thousands of children that may amount to war crimes or crimes against humanity. On 17 March 2023 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 deportation and transfer of population from occupied areas of Ukraine to Russia.

Fighting has escalated in Donetsk and Luhansk oblasts, a region collectively known as Donbas, and international monitors have documented both sides committing violations that may amount to war crimes. Conflict has been ongoing in Donbas since 2014 after a pro-European change of power in Kyiv prompted the Russian government to militarily support majority-ethnic Russian separatists but has been further exacerbated by the invasion of Ukraine. An estimated 14,000 people were killed and millions displaced between 2014-2022, while the ICC found evidence of war crimes and crimes against humanity.

Russia's aggression in Ukraine has been widely condemned and many states and intergovernmental organizations have responded with unprecedented targeted sanctions, economic measures and other restrictions. Some states have provided Ukraine's military with weapons, including banned cluster munitions. The UNGA has passed numerous resolutions that have demanded humanitarian access to civilians, condemned and demanded the immediate reversal of Russia's annexation of occupied Ukrainian territory and called for reparations and justice for violations of IHL. Meanwhile, after Ukraine filed a case asking for clarification under Article IX of the Genocide Convention, on 16 March 2022 the ICJ imposed provisional measures, calling on Russia to suspend military operations and cease advancing, as well as calling on all parties to refrain from actions that may prolong the conflict.

### RECENT DEVELOPMENTS

On 14 September the ICC opened a field office in Kyiv to assist with the prosecution of over 100,000 cases of war crimes documented by the Ukrainian authorities.

Since Russia suspended its participation in the Black Sea Grain Initiative on 17 July, Russian forces have carried out a series of attacks on the city of Odesa, demolishing critical port infrastructure. As of 13 October, Russia has destroyed 150 port facilities and 300,000 metric tons of grain destined for export. The strikes have also killed and wounded dozens of civilians and destroyed 25 heritage sites across the city center, a designated UNESCO World Heritage site.

Attacks on civilians by Russian forces have increased significantly since October. On 4 October the HRMMU said on average, six civilians are killed and 20 injured each day. In one of the deadliest incidents in the conflict, on 5 October a Russian airstrike killed at least 59 people in Hroza, Kharkiv region, eradicating one fifth of the town's population. From 1-2 November Russian forces shelled 118 settlements in 10 regions, marking the most extensive shelling in 2023.

On 2 November the US announced new sanctions against hundreds of individuals and entities targeting future Russian energy projects and manufacturing of suicide drones, as well as closing pre-existing loopholes for dual-use goods.

## 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 with drone and rocket strikes. Ukrainian forces have also perpetrated violations and abuses of international law as they continue a counteroffensive to regain territory. Although the conflict is stagnant in Donbas, civilians on either side of the front lines remain at increased risk as both Russian and Ukrainian forces continue to use banned cluster munitions.

Parties to the conflict have utilized rhetoric that can amount to incitement to violence, increasing the risk of ethnic-based targeting. The Col is investigating rhetoric utilized in Russian state and other media that may constitute incitement to genocide.

The breakdown of the Black Sea Grain Initiative has global implications due to 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 civilians, their property, livelihoods and cultural symbols and blatant disregard for IHL.

- Large-scale airstrikes and use of long-range weapons by Russian forces and counteroffensive by Ukrainian forces to recapture Russian-occupied territory.
- Increasing polarization, marginalization of minority populations, propaganda and inflammatory speech.
- Impunity for orchestrators and perpetrators of war crimes and crimes against humanity.

## NECESSARY ACTION

Parties to the conflict must strictly adhere to IHL and ensure the protection of civilians. All IHL and IHRL violations must be investigated and 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.

All parties should continue negotiations aimed at resuming safety guarantees under the Black Sea Grain Initiative.

Amidst the protracted crisis, the international community must continue to pressure Russian authorities to halt their aggression in line with the ICJ's provisional measures, including by closing loopholes in sanctions on dual-use items and third country imports and exports. The international community should maintain its support to Ukraine in upholding its international obligations to protect its populations, including by ensuring the territorial integrity of the country, within the parameters of international law.



## 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, endemic corruption 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 caused a protracted political crisis. Through a policy designed to repress political dissent, the Venezuelan government, including its security and intelligence apparatus, has 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 355 alleged extrajudicial executions in the first semester of 2023 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 and other high-level government officials 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. The Venezuelan civil society platform documenting the humanitarian emergency, HumVenezuela, warned that an estimated 19 million people inside Venezuela need assistance. On 26 November 2022 government and opposition delegates signed a "social agreement," which aims to ensure UN supervision of unfrozen funds directed to address dire humanitarian needs, but implementation has since stalled. The crisis has also triggered the largest migration emergency in Latin America, with more than 7.7 million people having left the country since 2014.

Communities across Venezuela, including along the border with Colombia and in Venezuela's gold mining region, Arco Minero del Orinoco, 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 who have been implicated in possible crimes against humanity.

Several governments, including Canada and Switzerland, have enforced an extensive individual sanctions regime. Since 2017 the EU has maintained sanctions against 55 senior officials. The US government has also imposed targeted sanctions against the

Venezuelan government, as well as broader sectoral sanctions that have exacerbated the country's pre-existing complex humanitarian emergency. Despite the Venezuelan government's refusal to cooperate with the FFM and other mechanisms, it has agreed to expanding OHCHR presence in Venezuela. Although the government has expressed its approval for the ICC to establish a country office in Caracas, it has continued to block ongoing investigations.

## RECENT DEVELOPMENTS

On 25 September the FFM warned of increasing selective repression targeting civil society organizations, trade and labor unionists, independent media, as well as political opponents and their families. The FFM also highlighted that high-ranking officials regularly resort to public smear campaigns and harassment against human rights defenders and journalists, which has contributed to an environment of fear and self-censorship.

On 17 October the government and groups of opposition parties signed the Barbados Agreement, which includes an electoral roadmap ahead of presidential elections in 2024. The US responded by temporarily lifting a set of non-targeted sanctions, tied to the future release of political prisoners, among other measures. In November the EU extended its existing targeted sanctions regime for a period of six months but similarly indicated a willingness to reassess measures based on implementation of the Agreement.

On 7 November the government appealed the decision by the ICC to resume investigations into alleged crimes against humanity following a previous assessment by the Court that domestic investigations are insufficient. This latest measure follows multiple attempts by the Venezuelan government to limit ICC scrutiny since the opening of an investigation in November 2021.

## ANALYSIS

The Venezuelan government is deliberately pursuing policies that enable human rights violations and abuses to silence dissent. Sexual and gender-based violence has been deliberately perpetrated in the context of arbitrary detentions and to ensure control over profitable territory.

A reduction in the number of extrajudicial executions and related violations since the beginning of investigations by the FFM suggests a possible deterrent effect of international scrutiny. Increasing engagement with the ICC and OHCHR also highlights that the Venezuelan government is receptive to multilateral pressure. However, no structural changes have been implemented to the country's judiciary, intelligence or security sector and state actors continue to perpetrate systematic abuses. Venezuelan civil society collective Justicia y Verdad has documented evidence that the Venezuelan government has failed to implement recommendations issued by the UN human rights system.

Venezuela's judicial system is perpetuating impunity for possible atrocity crimes. Government-linked media outlets also play a key role in state repression and persecution. The systematic crackdown on civic and political space is a deliberate strategy by the government to increase repression in a critical pre-electoral period. Independent monitoring, including by the FFM, is essential to prevent the recurrence of crimes against humanity and alert the international community to appropriate prevention strategies.

While the Barbados Agreement by the government and opposition provides an important opportunity to advance minimum electoral guarantees, key issues – such as the government banning the leading opposition candidate – pose a serious risk of jeopardizing the upcoming electoral process.

### 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.
- Adoption of measures to criminalize civil society organizations, attacks against democratic institutions and electoral guarantees, particularly ahead of presidential and general elections in 2024 and 2025.
- Absence of accountable state authority, presence of non-state armed actors and high levels of crime, corruption 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.

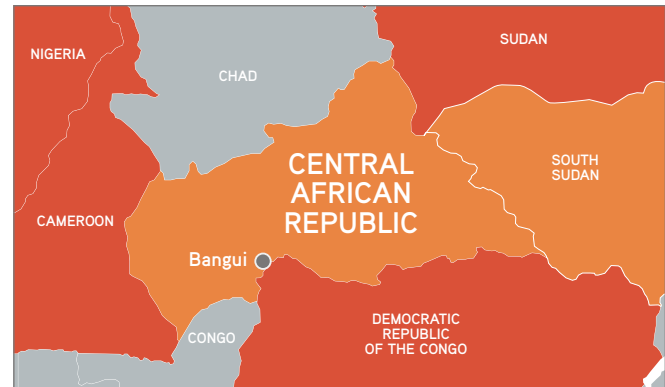
### NECESSARY ACTION

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 recommendations issued by the wider UN human rights system.

Ongoing technical cooperation, including through OHCHR, should be based on the FFM's recommendations on necessary system-wide reform, as well as address risk factors that have facilitated the commission of atrocity crimes. Regional actors, including neighboring Brazil and Colombia, should leverage their engagement with the Maduro administration to exert concerted diplomatic pressure to ensure the government implements these reforms.

Latin American governments, the EU, Canada and the US should revitalize efforts to build a common roadmap for

political engagement with Venezuela which prioritizes human rights protections, accountability and humanitarian relief, while addressing structural risk factors and focusing on the implementation of electoral reforms 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 des patriotes pour le changement (CPC), launched a violent offensive against the government of the Central African Republic (CAR). For nearly three years the CPC and other armed groups have launched 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 (MINUSCA). The Central African Armed Forces (FACA) – working closely with Russian security partners, including mercenary fighters from the Wagner Group – have responded with counteroffensives, forcing armed groups to withdraw from major cities.

OHCHR has reported that two CPC-affiliated armed groups, including the Unité pour la paix en Centrafrique (UPC), have perpetrated systematic and widespread conflict-related sexual violence, including rape, gang rape and sexual slavery. Some armed groups are increasingly using or laying explosive ordnance, particularly in the west of the country. The UN has documented evidence of abuses and violations by FACA and mercenaries that may amount to war crimes, including summary executions, arbitrary killings, torture, rape and forced disappearances.

Ethnic and religious minorities, particularly Fulanis and Muslims, are being targeted in widespread abuses – including attacks, ill-treatment, illegal arrests and detentions – in operations by FACA troops and Russian mercenaries. OHCHR has implicated proxy forces – who were recruited, trained and armed by FACA and Russian mercenaries – in incidents targeting and punishing 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 protracted crisis in CAR has its origins in the overthrow of President François Bozizé during 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. Trials are ongoing at the ICC for former anti-balaka leaders and a Séléka leader. Although a 2019 peace deal formally ended the conflict, armed groups continued to engage in sporadic violence. In September 2021 the ICGLR adopted a roadmap for peace. In 2023 the government has taken steps to implement the peace process, including convening a strategic review meeting in October during which stakeholders welcomed the dissolution of nine of the 14 armed groups signatory to the peace deal.

## RECENT DEVELOPMENTS

The CPC and other armed groups have increased their activity in outlying villages and remote areas since late 2022 and in recent months there has been a resurgence of armed group activity in the north, east and west. In October government officials reported that civilian kidnappings have spiked and armed groups are perpetrating near daily attacks along the border with Cameroon. Myriad armed groups are also fighting to control former strongholds or resources, with populations suffering routine extortion, illegal taxation and other human rights violations.

Since the emergence of a predominantly ethnic Azande armed group, Azande Ani Kpi Gbe (AAKG), during March, the AAKG has forcibly recruited Azande youth and violently clashed in Haut-Mbomou prefecture with the UPC, a predominantly Fulani armed group. The AAKG has also targeted Fulani and Muslim communities with threats and abductions for alleged collusion with the UPC. The UPC has increasingly perpetrated human rights abuses, including killings, kidnappings and cruel, inhuman and degrading treatment. In response to a rapidly deteriorating protection environment, MINUSCA began the deployment of uniformed personnel in September.

Amidst heightening political tensions, government institutions have cracked down on human rights defenders, independent media and the opposition. MINUSCA has recorded increased

cases of hate speech and incitement targeting ethnic and religious communities and migrant workers, particularly transhumance communities, as well as against dissenting voices. On 30 August the government promulgated a new constitution, which removes the presidential two-term limit, creates a presidentially appointed vice-president, and transforms the parliament into a single chamber, which may undermine the independence of the judiciary.

On 1 September CAR and South Sudan signed an agreement, which aims, among other objectives, to strengthen coordinated responses to cross-border threats, including armed actors that exploit the porous borders.

On 7 September the Special Criminal Court (SCC) charged former armed group leader, Abdoulaye Hissène, with crimes against humanity and war crimes committed in 2017. On 16 September the SCC charged anti-balaka leader Edmond Patrick Abrou with crimes against humanity and war crimes for his alleged participation in attacks committed in December 2021.

## ANALYSIS

The security situation remains precarious amid heightened inter-communal tensions and armed group activity along CAR's borders. The growing presence of explosive ordnance primarily harms civilians and hampers humanitarian organizations and MINUSCA's civilian protection efforts.

The targeting of ethnic and religious communities and proliferating hate speech have heightened atrocity risks as various UN experts and officials have warned that this risks triggering further violence along communal, religious and ethnic lines.

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. Wagner operatives have committed human rights abuses as they increase their control of gold-mining areas. The Wagner Group has perpetrated alleged abuses and intimidated civilians in conflict zones around the world, including CAR.

The government crackdown, coupled with the new constitution, has exacerbated political tensions and shows a step toward authoritarianism.

## 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 creation and mobilization of armed groups at mineral-rich porous border areas.
- Acts of violence against vulnerable populations, particularly minority groups, women and children.
- Obstruction of MINUSCA's freedom of movement 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 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 can effectively carry out its mandate. CAR authorities must guarantee the independence of institutions, respect freedom of peaceful assembly and association and counter incitement to violence.

Provincial and local authorities, in coordination with civil society, should implement community-based atrocity prevention and response strategies, including dialogue and mediation to address and mitigate the risks of inter-communal tensions.

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.



## SOUTH SUDAN

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

### BACKGROUND

Between December 2013 and August 2015 an estimated 400,000 people were killed as the Sudan People's Liberation Army (SPLA) and armed rebels from the opposition SPLA-In Opposition perpetrated war crimes and crimes against humanity, including extrajudicial killings, torture, child abductions and sexual violence. Despite the signing of numerous peace agreements between 2015 and 2018, intermittent fighting and ethnic violence continued. In 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 and support sustainable solutions to the conflict. However, bitter disagreements between and within parties of the TGoNU have widened divisions in the country and further exacerbated tensions at the local level.

Attacks and civilian targeting by the parties to the conflict, as well as inter-communal violence, persist in various parts of South Sudan. Cattle raiding and revenge killings, as well as increased resource competition between herding and farming communities as result of climate change, have 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 9.4 million people – more than two thirds of the population – need humanitarian assistance. OCHA has reported that the most vulnerable, including women, children, the elderly and disabled, are bearing the brunt of the prolonged crisis as ongoing clashes exacerbate the humanitarian situation. An estimated 2 million people remain internally displaced and 2.22 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 outbreak of the conflict in neighboring Sudan during April 2023 has had political, social and economic consequences for South Sudan, including import disruptions, an influx of refugees and limited humanitarian resources, as well as a shift of focus by President Kiir and IGAD to the situation in Sudan. Increased competition over already scarce resources has led to an escalation of tensions among communities.

According to the UN Mission in South Sudan (UNMISS), at least 141 people were killed in cyclical revenge attacks between the Misseriya community from Sudan and the South Sudan People's Defence Forces in Northern Bahr el-Ghazal State between April and September. According to the host community, violence was allegedly triggered by Misseriya cattle herders failing to respect resolutions agreed upon during pre-migration. Violence related to cross-border cattle raiding also persisted among the tri-state borders of Warrap, Unity and Lakes States.

During October the HRC-mandated Commission on Human Rights in South Sudan (CHRSS) warned about the systematic curtailment of democratic and civic space in South Sudan. The CHRSS claims that the National Security Service (NSS) has instituted a pervasive and unlawful censorship regime that curtails independent media. The NSS is also accused of imposing widespread restrictions and surveillance on human rights defenders and civil society organizations and their activities.

## ANALYSIS

The repeated failure to uphold multiple peace agreements shows a lack of genuine commitment to a political solution by 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 disappearance of civic and political space diminishes opportunities for civilians to participate in constitution-making, transitional justice, national elections and other essential democratic processes and may give rise to grievances that become a trigger for atrocity crimes.

The influx of small arms, light weapons and ammunition during South Sudan's civil war has increased the enduring risk of atrocities, with the accessibility of weapons to civilians and youth groups making inter-communal clashes more deadly. The armed conflict and continued violations of ceasefire agreements underline the importance of the UNSC-imposed arms embargo and targeted sanctions.

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, weak state institutions and lack of capacity to prevent atrocity crimes and address rising political and inter-communal tensions.
- Policy or practice of impunity for serious violations of IHL and IHRL, atrocity crimes or their incitement.
- Past and present serious inter-communal tensions and conflicts, 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.
- Repression of civic and political space.

## NECESSARY ACTION

All armed groups must immediately cease hostilities and respect IHL and IHRL 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, including by passing and implementing the National Elections Act without



further delay, as well as reconstituting the Political Parties Council, National Constitutional Review Commission and National Elections Commission. The TGoNU should also respect civic and political space and take all necessary measures to guarantee the participation of civilians in essential democratic processes.

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

Since 2015 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 United Arab Emirates (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 all parties to the conflict. 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 as well as attacks on essential civilian infrastructure, including water reservoirs and hospitals. The GEE alleged that Canada, France, Iran, the UK and US may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict.

In October 2021, following heavy diplomatic and political pressure from Saudi Arabia, the HRC failed to renew the mandate of the GEE, terminating the only international independent mechanism dedicated to monitoring international law violations in Yemen. The abrupt termination of the GEE was followed by a dramatic escalation in armed hostilities, with the Saudi/UAE-led coalition carrying out over 200 air raids per month between October and April 2022. Over 2,050 civilians were killed or injured during this period, including over 471 by coalition airstrikes.

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 until it 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 resulting in over 938 civilian casualties. OCHA recorded approximately 1,205 incidents of interference with humanitarian access, including violence against aid workers. Civilians were also widely subjected to violations and abuses of human rights, including enforced disappearances, torture and sexual violence.

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 UNSC-mandated Panel of Experts reported in January 2022 that over 2,000 children recruited by the Houthis have died in combat since 2020.

The crisis in Yemen has been ongoing for over 20 years, but dramatically escalated during 2014 when, amid a UN-facilitated political transition process, Houthi forces and military units loyal to former President Ali Abdullah Saleh took control of numerous governorates, 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.

The UNSC has imposed financial sanctions and travel bans on former President Ali Abdullah Saleh and Houthi leaders, as well as an arms embargo on the Houthis.

## RECENT DEVELOPMENTS

Although there has not been a significant escalation in hostilities and no airstrikes have occurred since the truce expired, over 1,938 civilians have been killed or injured since October 2022 as occasional clashes continue across several governorates, including Al Jawf, Shabwah, Marib, Hodeidah, Sa'dah and Ta'izz. Ongoing patterns of violations against minority communities, including followers of the Baha'i faith, demonstrate targeted persecution of religious minorities by Houthi security forces.

Saudi officials and Houthi leadership are currently engaging in negotiations, brokered by Oman, 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 in April 2023. In July over 60 Yemeni civil society organizations released the Yemen Declaration for Justice and Reconciliation, in which they set forth their common vision for achieving justice and reconciliation in post-conflict Yemen.

## ANALYSIS

While the reduction of hostilities provides tangible relief to civilians, 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 an inability and/or unwillingness of the international human rights system to effectively address the situation.
- Inadequate protection for and ongoing threats toward minorities, women, children, human rights defenders and IDPs.
- Political, economic and social instability, increasing 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. All key stakeholders, including the international community, must take urgent steps to implement the Yemen Declaration for Justice and Reconciliation.

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 transitional justice-focused mechanism to advance accountability and reparations. 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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