

R2P MONITOR

15 JANUARY 2017
ISSUE 31

A bimonthly bulletin by
the Global Centre for the
Responsibility to Protect

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

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

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

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

SERIOUS CONCERN

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

R2P Monitor:

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

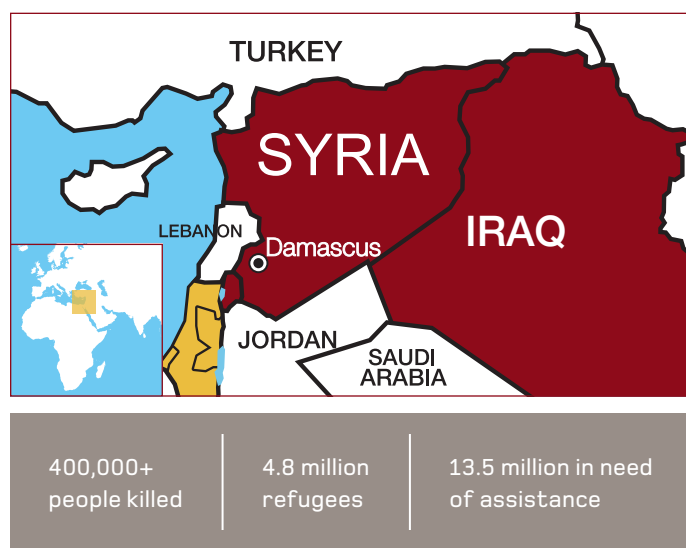
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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



SYRIA

Populations continue to face the threat of mass atrocity crimes committed by government forces and their allies in Syria's ongoing civil war. Various armed opposition groups and the Islamic State of Iraq and the Levant are also committing war crimes and crimes against humanity.

BACKGROUND

Despite a 30 December ceasefire brokered by Russia and Turkey, Syrian government forces have conducted a strategic offensive against opposition-held areas in the Barada Valley, near Damascus. The region is crucial to the water supply of up to 5.5 million people, and the government has said that it is not covered under the ceasefire due to the alleged presence of fighters from Jabhat Fateh al-Sham. Following sustained bombardment of the Barada Valley, ten rebel groups announced that they are suspending talks about the planned peace negotiations arranged by Russia and Turkey, which are scheduled to take place in Kazakhstan at the end of January.

Since government forces regained full control of Aleppo on 15 December, over 116,000 people have been registered as displaced from formerly opposition-controlled neighborhoods in the east of the city. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that at least 35,000 civilians and fighters from Eastern Aleppo were evacuated to Idlib. The UN Office of the High Commissioner for Human Rights (OHCHR) has highlighted that civilians who crossed into government-controlled territory have reported reprisals against those who are perceived to have supported opposition groups, as well as reports that hundreds of men were detained and are now missing.

Since the Syrian conflict began in 2011 over 400,000 people have been killed. According to OCHA, as of December 2016 there were over 4.8 million Syrian refugees and at least 6.3 million

internally displaced persons (IDPs) - the largest number of people displaced by any conflict in the world. Over 13.5 million Syrians remain in dire need of humanitarian assistance, with 4.9 million in inaccessible areas.

The government has routinely obstructed the delivery of cross-border humanitarian aid, contravening multiple UN Security Council (UNSC) resolutions, and attacks against health facilities also continue despite the 3 May adoption of UNSC Resolution 2286 on the protection of medical facilities in armed conflict.

For almost five years the UN Human Rights Council-mandated Commission of Inquiry (CoI) has consistently reported that government forces have committed crimes against humanity as a matter of state policy. Government airstrikes in residential areas contravene UNSC Resolution 2139, which demanded all parties cease attacks on civilians and the use of indiscriminate weapons. The CoI has reported that government-allied militias and other pro-government forces have also conducted widespread attacks on the population, committing crimes against humanity, including "extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts."

Numerous armed opposition groups have committed war crimes, violated international humanitarian law (IHL) and targeted religious minorities for attack. The Islamic State of Iraq and the Levant (ISIL) poses a direct threat to civilians as its fighters have carried out crimes against humanity, including mass killings and sexual enslavement in areas under their control.

The Organization for the Prohibition of Chemical Weapons (OPCW) Joint Investigation Mechanism (JIM) has found evidence of Syrian government forces and ISIL using chemical weapons. The JIM has determined that Syrian government forces used chlorine gas in three separate incidents between 2014 and 2015 and that ISIL was responsible for a 2015 sulfur-mustard attack. The use of chemical weapons is a war crime and also directly contravenes UNSC Resolution 2118 of September 2013.

An international coalition, led by the United States, is currently conducting airstrikes against ISIL in Syria. The Syrian Observatory for Human Rights (SOHR) reported that coalition airstrikes have killed 6,455 people, including 700 civilians, between September 2014 and November 2016. Russia commenced airstrikes in Syria during September 2015, claiming it would help defeat ISIL. However, most airstrikes have targeted other opposition forces and civilian areas outside government control, including in Aleppo. The SOHR reported that Russian airstrikes had killed more than 2,900 ISIL fighters and 4,670 civilians, including over 1,140 children, as of 31 December 2016.

On 21 December the UN Board of Inquiry released its findings on a 19 September attack on a UN humanitarian aid convoy in the opposition-held town of Urum al-Kubra. It concluded that

warplanes had bombed the convoy, but it did not identify which country was responsible. However, the Board noted that the American-led coalition was highly unlikely to have conducted the attack, leaving only Syrian and/or Russian forces capable of carrying it out.

Saudi Arabia and Qatar are providing arms to some armed opposition groups. Meanwhile, Iran and Hezbollah continue to provide crucial economic, military and political support to the Syrian government.

ANALYSIS

Widespread ceasefire violations demonstrate that all sides in Syria remain committed to military victory and that the lives of countless civilians are still imperiled by the ongoing civil war. Attacks on medical facilities and civilian infrastructure demonstrate a complete disregard for IHL and international human rights law (IHRL). A lasting ceasefire is vital for the protection of civilians and reviving the stalled peace talks.

The government, with support from its international allies, continues to utilize its military resources to retain power at all costs. Combined Syrian and Russian airstrikes have enabled government forces to besiege 16 locations and regain significant territory previously lost to opposition groups. The direct participation of Russian aircraft in the bombardment of Eastern Aleppo makes them complicit in alleged war crimes.

The fracturing and radicalization of the opposition compounds the difficulty of achieving a negotiated political settlement. ISIL and several other armed groups continue to pose a direct threat to civilians, especially those from minority religious communities.

External political influence upon the Syrian government, via the UN and regional actors, remains weak. The UNSC has been unable to enforce compliance with its resolutions, with bitter divisions over Syria evident amongst the permanent members. Despite the current political impasse, Russia, United States, Iran, Turkey and Saudi Arabia remain essential to any negotiated settlement of the conflict.

The government of Syria has not only manifestly failed to uphold its Responsibility to Protect, it bears primary responsibility for the ongoing commission of mass atrocity crimes.

INTERNATIONAL RESPONSE

Following the outbreak of violence during March 2011, the international community responded by censuring the Syrian government for its widespread violations of human rights. Despite this, the UNSC has failed to adequately respond to the conflict. Since 2011 China and Russia have vetoed five resolutions on Syria, most recently on 5 December. Russia also independently vetoed another Syria resolution on 8 October. Since 2013, the UNSC has passed several resolutions on humanitarian access, the political process and chemical weapons in Syria. Several of these resolutions refer to the government's

responsibility to protect populations, but none of them have been fully implemented.

The Col, former UN Secretary-General and High Commissioner for Human Rights have all called for the situation in Syria to be referred to the ICC.

The UN Human Rights Council has adopted 20 resolutions condemning atrocities in Syria. The latest, adopted on 20 October, called for the Col to conduct a special inquiry into events in Aleppo.

On 19 December the UNSC adopted a resolution calling for the UN to carry out neutral monitoring of civilian evacuations from Eastern Aleppo. The UNSC passed an additional resolution on 31 December, welcoming efforts by Russia and Turkey to establish a ceasefire in Syria.

On 21 December the UNSC voted to renew Resolution 2165 until 10 January 2018, authorizing cross-border humanitarian access for the UN and its partners and noting the Syrian government's responsibility to protect its population.

On 21 December the UN General Assembly voted to establish an impartial, independent, international investigative mechanism to collect and consolidate evidence of atrocities in Syria. The resolution was adopted with 105 votes in favor, 15 against and 52 abstentions.

NECESSARY ACTION

Russia and Turkey need to press their respective Syrian allies to uphold the ceasefire and engage in meaningful negotiations over how to end the civil war. The UNSC must take meaningful action to end the use of indiscriminate and illegal weapons and hold all perpetrators accountable.

In keeping with various UNSC resolutions, Syrian government forces, their international allies, and armed opposition groups must facilitate unimpeded humanitarian access to all civilians trapped or displaced by fighting. Neutral humanitarian corridors should be urgently established for besieged civilian populations.

Russia, Iran and Hezbollah must cease enabling the crimes of the Syrian government. Countries opposed to the rule of President Bashar al-Assad must withhold all support from armed groups who commit war crimes and target civilians. All foreign states participating in airstrikes against ISIL must ensure all necessary precautions are taken to avoid civilian casualties and uphold IHL.

MORE INFORMATION

- » [UNSC Resolution S/RES/2332](#), 21 December 2016
- » [UNSC Resolution S/RES/2336](#), 31 December 2016
- » [UN General Assembly Resolution A/RES/71/248](#), 21 December 2016
- » [GCR2P Populations at Risk: Syria](#)



148,000+ people displaced
by Mosul offensive

Over 6,800 civilians
killed in 2016

IRAQ

The extremist armed group the Islamic State of Iraq and the Levant has committed genocide, war crimes and crimes against humanity in Iraq. As they confront ISIL, some Iraqi Security Forces and Shia militias are also committing human rights abuses.

BACKGROUND

Following the launch of a major offensive to recapture Mosul from ISIL, who have declared a caliphate spanning Syria and Iraq, the humanitarian situation in the city has become increasingly dire. Since the offensive began on 17 October, ISIL has engaged in widespread fighting across northern Iraq with a coalition comprised mainly of the Iraqi Security Forces (ISF) and Kurdish Peshmerga, operating with United States air support. According to the UN Office of the High Commissioner for Refugees (UNHCR) more than 148,000 people have been displaced due to the offensive.

Since the start of the Mosul offensive, the UN has received credible reports of mass killings and forced displacement of civilians perpetrated by ISIL. On 18 October OHCHR announced that ISIL had abducted at least 8,000 families and moved them to strategic locations in Mosul to be used as human shields. Those who resisted were killed, including at least 230 civilians on 26 October. Additionally, Human Rights Watch reported on 20 December that ISIL fighters have targeted fleeing civilians in Mosul with mortar rounds.

The ISF and Kurdish Peshmerga forces have also discovered at least five mass graves in towns near Mosul since the offensive began. Three of the mass graves were discovered in the town of Hammam al-Alil, and likely contain the bodies of hundreds of missing Iraqi police officers. Two other mass graves of members of the Yazidi community were discovered by Peshmerga near the Shababit junction in northwestern Iraq.

The UN Assistance Mission for Iraq (UNAMI) reported that 386 civilians were killed in acts of terrorism, violence and armed

conflict during December. Throughout 2016, UNAMI recorded a total of 6,878 civilians killed. Given access constraints, UNAMI states that these figures “have to be considered as the absolute minimum” and do not include all of the casualties in Anbar province, where intense fighting occurred between May and July.

OCHA estimates that as of December 10 million people in Iraq – nearly one third of the population – are in need of humanitarian assistance, with 3.1 million people internally displaced. From 20–22 December, four humanitarian workers were killed while delivering aid to civilians in eastern Mosul.

ISIL continues to systematically attack and persecute vulnerable ethnic and religious minority communities, including Christians, Shabak, Yazidis and Turkmen, causing their mass displacement. UNAMI and OHCHR have reported that ISIL's violations, “may amount to war crimes, crimes against humanity and possibly genocide.” On 4 July the Minority Rights Group warned that many of Iraq’s minority communities are “on the verge of disappearance.” More than 3,500 women and children, mainly Yazidi, also remain enslaved by ISIL. On 16 June the Commission of Inquiry on Syria reported that ISIL “has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis” in Iraq.

ISIL also routinely targets civilians from the majority Shia population in sectarian bombings. On 2 January at least 36 people were killed in a bombing that targeted a market in Sadr City, a largely Shia district of Baghdad.

The United States has been conducting airstrikes against ISIL in Iraq since 8 August 2014, following the Iraqi government's request for assistance after the group seized the northern town of Sinjar. Since then Australia, Belgium, Canada, Denmark, France, Jordan, Netherlands and United Kingdom have joined the military coalition against ISIL in Iraq, with some also participating in airstrikes on ISIL in Syria.

Responding to sectarian terrorist attacks and the rise of ISIL, some Shia militias have carried out violent reprisals against Sunni civilians. OHCHR has expressed concern at reports of forced evictions and extrajudicial killings committed by Iraqi and Kurdish security forces and affiliated militias “against Sunni Arab communities in parts of Iraq that have been reclaimed from ISIL,” particularly Fallujah and Mosul. On 27 October Human Rights Watch reported that Kurdish forces were arbitrarily detaining men and boys fleeing Mosul and Hawija during the ongoing offensive. On 11 November OHCHR reported allegations of retaliatory attacks by civilians and ISF members, including revenge killings and demolition of houses in Kirkuk, as well as other violations of IHL and IHRL.

ANALYSIS

ISIL poses a genocidal threat to Iraq’s ethnic and religious minorities, who face the risk of further mass atrocities. ISIL’s sectarian violence also poses a direct threat to members of the

majority Shia community. ISIL is committed to the extermination of all religious communities and minority cultures that do not conform to its strict interpretation of Islam.

The recapture of Mosul, the largest city still under the control of ISIL, is a crucial step towards defeating the extremist group in Iraq. However, as the ISF and Peshmerga forces advance on Mosul, ISIL continues to use civilians as human shields and target those who attempt to flee. As the territory controlled by ISIL continues to shrink they will likely increase terrorist attacks across Iraq. It is essential that all parties combatting ISIL uphold their obligations under international law.

Despite a November 2010 power-sharing agreement between political parties representing Shias, Sunnis and Kurds, many Sunnis felt marginalized under former President Nouri al-Maliki. ISIL exploited widespread disaffection to build alliances with Sunni tribes and seize large swathes of territory and resources during 2014. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq. Some Shia militias, mobilized by the government to fight ISIL, pose a direct threat to Sunni civilians.

The Iraqi government is unable to uphold its Responsibility to Protect and needs ongoing international assistance.

INTERNATIONAL RESPONSE

In addition to international support for the Iraqi government, several European Union (EU) member states, as well as Albania and Canada, have provided ongoing assistance to Kurdish fighters battling ISIL.

On 25 July the UNSC adopted Resolution 2299, renewing the mandate of UNAMI until July 2017.

On 18 August OHCHR and UNAMI released a report on Yazidi survivors of atrocities committed by ISIL, calling for Iraq to accede to the Rome Statute of the ICC and hold perpetrators accountable for "targeting and seeking to destroy" the Yazidi.

On 1 November the UN Special Adviser on the Prevention of Genocide, Adama Dieng, released a statement condemning crimes committed by ISIL and retaliatory violence against Sunni communities during the Mosul offensive.

NECESSARY ACTION

The international community should continue to provide support to the Iraqi government to combat the threat ISIL poses to vulnerable populations, especially religious and ethnic minorities. The Kurdistan Regional Government is also in need of international support to defend vulnerable populations from ongoing ISIL attacks.

While confronting ISIL and other armed groups, it is essential that the Iraqi government protects all civilians and addresses the underlying sources of conflict between Sunnis, Shias and Kurds. The government of Iraq and the Kurdistan Regional

Government must strictly uphold their obligations under IHL. Iraq's international supporters must ensure that all parties participating in the battle for Mosul take effective measures to ensure the consistent protection of civilians.

The government must investigate and punish human rights abuses committed by state forces and actively prevent reprisals by the ISF and allied militias against Sunni civilians in areas recaptured from ISIL.

The UNSC, with Iraqi government support, should immediately establish an international investigative commission to collect evidence regarding all mass atrocity crimes perpetrated by ISIL in Iraq, including the genocide against the Yazidi. Perpetrators should be held accountable under international law.

MORE INFORMATION

- » [UNAMI Website](#)
- » [Casualty Figures UNAMI](#), 1 December 2016
- » ["A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL,"](#) OHCHR and UNAMI, August 2016
- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide](#), 1 November 2016
- » [GCR2P Populations at Risk: Iraq](#)



4,150+ civilians killed

3.3 million people
displaced by violence

YEMEN

Mass atrocity crimes are being committed in Yemen as pro-government forces and a regional military coalition fight against Houthi rebels, who have taken control of much of the country.

BACKGROUND

Despite several temporary ceasefire agreements and intermittent UN-brokered peace talks between the government and Houthi rebels, the conflict in Yemen continues to leave civilians facing mass atrocity crimes. Violence has escalated since peace talks were suspended on 6 August. Since September there has been extensive

shelling in Taiz, Sana'a and Al Hudaydah, resulting in hundreds of civilian casualties. The most recent attempted ceasefire, which started on 19 November, collapsed within 48 hours.

During 2014, amidst a UN-facilitated political transition process, the Houthis, an armed Shia movement from northeast Yemen, and military units loyal to former President Ali Abdullah Saleh, took control of the governorates of Sa'ada, Hodeida, Dhamar, Amran and Sana'a. On 26 March 2015 Saudi Arabia and a coalition of nine other countries responded to a government request for regional military intervention. Growing violence forced President Abed Rabbo Mansour Hadi to seek temporary refuge in Riyadh. Despite military setbacks, Houthis and pro-Saleh forces still control much of Yemen.

Violence between Houthi rebels and various pro-government forces, as well as Saudi-led coalition airstrikes, have resulted in more than 4,150 civilians killed, including at least 1,100 children, since March 2015. More than 3.3 million Yemenis have been forcibly displaced while an estimated 21.2 million people, over 82 percent of the population, require humanitarian assistance.

Houthi and government-allied forces have both targeted civilian infrastructure and international humanitarian workers. OCHA has reported that more than 170 schools and 70 health facilities have been destroyed. The UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, has said that respect for the distinction between civilian and military targets has been "woefully inadequate" by both sides, while his office has reported that since August the majority of civilian casualties have been caused by airstrikes. On 19 December the Saudi-led coalition confirmed that it had used illegal cluster munitions while bombing parts of Yemen, vowing to cease using United Kingdom-made cluster munitions in the future.

Since the start of October the Houthis have been accused of firing missiles at foreign ships in the Red Sea. On 13 October the United States responded with missile strikes on radar facilities in Houthi-controlled territories. Houthis have also perpetrated attacks on Saudi Arabia, including firing a ballistic missile towards Mecca on 28 October.

The UN and the Gulf Cooperation Council (GCC) have made numerous attempts to broker peace between parties to the conflict. Amidst increasing violence the UN Special Envoy to Yemen, Ismail Ould Chekh Ahmed, together with "the Quad" (Saudi Arabia, United States, United Kingdom and United Arab Emirates), has been unable to secure a date for the resumption of peace talks. On 28 November Ansar Allah, the political representation of the Houthis, and the General People's Congress, the party of former President Saleh, unilaterally announced the formation of a new government. Special Envoy Ahmed and the GCC condemned the decision.

Other armed groups have taken advantage of the conflict to perpetrate violence against civilians. Since March 2015 ISIL has claimed responsibility for a series of attacks on Shia

mosques and has detonated car bombs in Sana'a and Aden. Al-Qaeda in the Arabian Peninsula (AQAP) also gained influence during 2015, but has since retreated from several cities it temporarily controlled.

ANALYSIS

Various parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity. Failure to abide by the cessation and attempts by the Houthis to subvert the political transition are in violation of various UNSC resolutions. Escalating violence since August has exacerbated the humanitarian crisis.

Yemen has become another proxy battlefield between Saudi Arabia and Iran. While Saudi Arabia remains the main force backing the regional military coalition, Iran has allegedly provided military assistance to the Houthis. Former Yemeni President Saleh has also called for direct attacks on Saudi Arabia. Civilian casualties resulting from airstrikes by the Saudi-led coalition have resulted in increased pressure for the United States and United Kingdom to cease selling arms to Saudi Arabia.

Fighting between Houthi rebels and pro-government forces also threatens to further fracture Yemeni society along tribal and sectarian lines. Terrorist groups, such as AQAP and ISIL, are trying to exploit tensions between Shia and Sunni populations to increase their influence.

The Yemeni government is unable to uphold its Responsibility to Protect and requires ongoing international support to negotiate an end to the conflict.

INTERNATIONAL RESPONSE

In 2011 the UNSC adopted Resolution 2014, which condemned human rights violations by the government of former President Saleh and affirmed Yemen's primary responsibility to protect its population.

The UNSC imposed sanctions on former President Saleh and Houthi leaders in November 2014. On 14 April 2015 the UNSC passed Resolution 2216, establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding the Houthis withdraw from all areas they seized during the conflict. On 24 February 2016 the UNSC renewed sanctions for an additional year. On 8 September the UNSC issued a Press Statement urging all parties to continue working with the Special Envoy and negotiate a peaceful resolution to the conflict.

On 30 September the Human Rights Council adopted a resolution calling upon all parties to respect their obligations under international law, but failed to get the support necessary to approve an independent international commission of inquiry.

On 13 December the United States announced that because of concerns regarding the Yemen conflict, it would halt some arms sales to Saudi Arabia.

NECESSARY ACTION

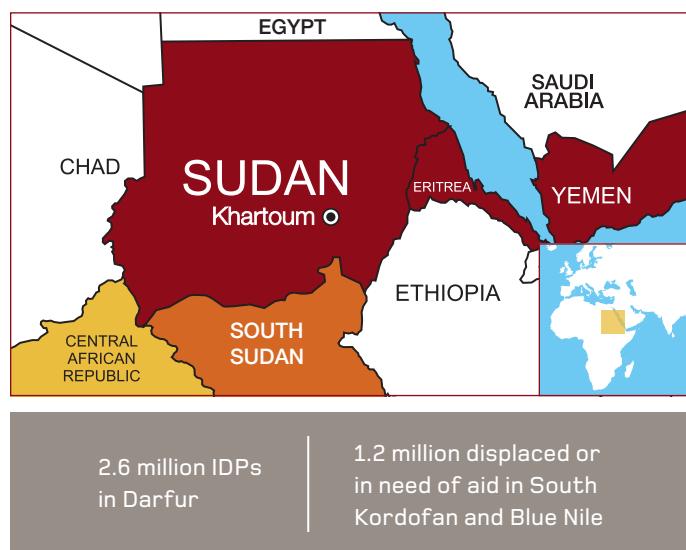
The distinction between military and civilian targets is central to IHL and must be adhered to at all times. Parties to the conflict must halt the use of illegal and indiscriminate weapons, including cluster munitions. All parties must uphold their responsibility to protect vulnerable populations regardless of their tribal, religious or political affiliations.

All parties to the conflict must respect agreed ceasefires in order to ensure humanitarian access to vulnerable civilians in desperate need of food, water and medical supplies.

The UNSC, GCC and all parties to the conflict need to ensure that Resolution 2216 is fully implemented and that Yemen returns to the political transition process. The government and Houthis should return to substantive peace negotiations. The UN Human Rights Council should establish an international commission of inquiry to investigate serious violations of IHL and IHRL in Yemen since March 2015.

MORE INFORMATION

- » [UNSC Press Statement, SC/12512](#), 8 September 2016
- » [HRC Resolution A/HRC/33/16](#), 30 September 2016
- » [GCR2P Populations at Risk: Yemen](#)



SUDAN

Populations in South Kordofan, Blue Nile and Darfur continue to face mass atrocity crimes perpetrated by the Sudanese Armed Forces, affiliated militias and armed rebel groups.

BACKGROUND

For over five years the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) have been engaged in hostilities in South Kordofan and Blue Nile states. According to OCHA, since June 2011 the conflict has resulted in over 1.2 million people "internally displaced or severely affected and in need of humanitarian assistance,"

while more than 250,000 have fled to South Sudan and Ethiopia. The government of Sudan prohibits access to South Kordofan and Blue Nile and systematically obstructs aid from reaching vulnerable civilians.

The SAF has committed war crimes, including extrajudicial killings, forced displacement and widespread sexual violence against civilians in South Kordofan and Blue Nile. It has also engaged in "scorched earth" tactics, systematically targeting food sources and deliberately destroying civilian infrastructure, including health facilities. The SPLM-N has also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

Following several failed negotiations, during 2016 the African Union (AU) High Level Implementation Panel (AUHIP) for Sudan proposed a Roadmap agreement to halt the conflicts in Darfur, South Kordofan and Blue Nile. On 23 March the Chair of the AU Commission welcomed the signing of the agreement by the Sudanese government. On 8 August a number of rebel groups, including the SPLM-N, also signed the Roadmap. However, the parties failed to reach an agreement regarding a permanent cessation of hostilities in South Kordofan, Blue Nile and Darfur. On 31 December the government extended its unilateral ceasefire for one month.

The situation in Darfur continues to deteriorate with civilians facing ongoing inter-communal violence, as well as attacks by the SAF and Rapid Support Forces, a pro-government militia with aerial and ground support from the SAF. Heavy clashes in Jebel Marra, North Darfur, between the government and the Sudan Liberation Army-Abdul Wahid, who remain outside the peace process, led to the displacement of over 129,000 civilians during 2016. A total of 2.6 million people are now displaced in Darfur.

On 31 October the UN announced that the Sudan Liberation Army-Minni Minnawi and the Justice and Equality Movement had announced a six-month unilateral ceasefire. Despite the ceasefires declared by rebels and the government, on 1 January at least 10 people were killed in an attack on an IDP camp in Jebel Marra. Both sides have denied responsibility.

On 29 September Amnesty International reported on evidence that the SAF had repeatedly used chemical weapons against civilians in Darfur. The investigation concluded that approximately 200-250 people were killed as a result of at least 30 suspected chemical weapons attacks in the Jebel Marra region since January 2016. The Sudanese government has denied that it possesses or uses chemical weapons. The government also continues to prevent journalists or humanitarian workers access to Jebel Marra.

The government has systematically obstructed the AU-UN hybrid peacekeeping force in Darfur (UNAMID), tasked with a civilian protection mandate, from carrying out human rights

monitoring. Former UN Secretary-General Ban Ki-moon condemned repeated attacks on UNAMID. Since 2008 more than 70 UNAMID peacekeepers have been killed.

ANALYSIS

The government has a history of perpetrating atrocities in Darfur and during its 1983-2005 civil war with the south. It has consistently defied external pressure to halt mass atrocity crimes. Such crimes are currently being committed in South Kordofan and Blue Nile, where patterns of violence targeting civilians for their perceived support of the SPLM-N have been witnessed for over five years.

The UNSC and AU have failed to ensure that the government and SPLM-N honor past agreements on the cessation of hostilities and delivery of humanitarian assistance. Indiscriminate attacks on civilian areas by both the SAF and SPLM-N demonstrate an unwillingness to distinguish between combatants and civilians, actions that amount to crimes against humanity.

Since its deployment in Darfur in 2008, UNAMID has been unable to provide adequate protection to civilians and has been systematically obstructed by the government of Sudan. Ongoing inter-communal violence and SAF operations contribute to the risk of further mass atrocity crimes. The alleged use of chemical weapons is a potential war crime. Attacks on UN peacekeepers also constitute war crimes, while restrictions on their freedom of movement contravenes the Status of Forces Agreement between the UN and Sudan.

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

INTERNATIONAL RESPONSE

The UNSC has adopted 62 resolutions on Sudan since 2004, most of which have not been fully implemented. The response of the international community to mass atrocities in South Kordofan and Blue Nile has been grossly inadequate.

In 2007 the ICC indicted three members of the current government, including President Omar al-Bashir, for war crimes and crimes against humanity committed in Darfur. President Bashir was also indicted in 2010 for perpetrating genocide in Darfur. The ICC issued an additional arrest warrant during September 2014 against rebel leader Abdallah Banda for war crimes resulting from an attack on AU peacekeepers during 2007 in Darfur. None of the indictees have been surrendered to the Court and the Chief Prosecutor of the ICC has criticized the UNSC for failing to meaningfully assist in their arrest.

On 29 June the UNSC adopted Resolution 2296, which extended UNAMID's mandate until 30 June 2017. The resolution emphasized that those responsible for violations of IHL and abuses of human rights "must be held accountable and that the Government of

Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes."

On 9 August the EU, Germany, Norway, United Kingdom and United States issued a joint statement welcoming the signing of the Roadmap agreement by various rebel groups. On 17 August the UN Secretary-General expressed his disappointment regarding the failure to reach an agreement on a permanent cessation of hostilities, calling upon the parties to abide by the Roadmap and continue negotiations.

On 13 January the United States announced it would revoke some bilateral sanctions on Sudan, citing "positive actions" taken by the government, including pledges to uphold the cessation of hostilities in some conflict areas.

NECESSARY ACTION

After more than 10 years and 62 resolutions it is time for the UNSC and other UN member states to review their entire approach to endemic conflict and ongoing atrocities in Sudan. The UNSC should immediately expand the arms embargo on Darfur to include South Kordofan and Blue Nile.

The government, SPLM-N and other parties must abide by the AUHIP Roadmap and cease all armed hostilities in Darfur, South Kordofan and Blue Nile. The UNSC and AU should ensure the government and SPLM-N facilitate the delivery of humanitarian assistance, as stipulated in the Roadmap, 2011 Framework Agreement and 2012 cooperation agreements. The UNSC should mandate the establishment of an independent international commission of inquiry for South Kordofan and Blue Nile and actively support efforts to bring ICC indictees to justice.

States with major investments in Sudan, including China, Qatar, Iran and Saudi Arabia, should press the government to fulfill its commitments. The UNSC should ensure that violators of the arms embargo are held to account.

MORE INFORMATION

- » [UNAMID Website](#)
- » [UNSC Resolution, S/RES/2296](#), 29 June 2016
- » [GCR2P Populations at Risk: Sudan](#)



65,000+ civilians have fled
Rakhine state into Bangladesh
since October 2016

MYANMAR (BURMA)

Stateless Rohingya in Myanmar (Burma) face systematic persecution that poses an existential threat to their community. The current counterinsurgency operation and ongoing human rights violations against the Rohingya amount to possible crimes against humanity and ethnic cleansing.

BACKGROUND

The situation in Rakhine state in northwest Myanmar continues to deteriorate following a series of attacks on border guard posts on 9 October by what appears to be a newly established armed group. A subsequent joint army-police counterinsurgency operation began on 10 October. Since then, there have been widespread reports of mass arrests, rape, forcible removal, extrajudicial killings and the widespread destruction of Rohingya buildings and mosques. The army deployed helicopter gunships to several Rohingya villages on 12 and 13 November, resulting in the death of at least 25 civilians. On 24 November UNHCR's representative in Bangladesh accused Myanmar's government of the "ethnic cleansing" of the Rohingya.

On 16 December the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed disappointment at the government of Myanmar for not approving OHCHR's persistent requests for access to Rakhine state. Previously, High Commissioner Zeid stated that the "widespread and systematic" abuses perpetrated against the Rohingya amount to crimes against humanity.

A commission established by the government to investigate the situation in northern Rakhine state issued its first findings on 3 January. The commission claimed there is no evidence of genocide against the Rohingya and insufficient evidence of security forces raping civilians. International observers have questioned the impartiality of the commission, which is led by Vice President Myint Swe, a retired army general, and does not include any Rohingya or Muslim commissioners.

The Rohingya, a distinct Muslim ethnic minority group, have been systematically disenfranchised and marginalized under discriminatory laws in Myanmar. In March 2015 the former government invalidated the identification cards held by many Rohingyas, forcing them to apply for citizenship as "Bengalis," implying their illegal migration from Bangladesh. This follows the government denying Rohingyas the ability to self-identify on the national census of March 2014, the first since 1983.

Former President Thein Sein signed into law the last of four so-called "Protection of Race and Religion" bills in August 2015. These discriminatory laws place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights. Rohingyas were largely disenfranchised in advance of Myanmar's historic November 2015 elections and continue to be denied citizenship and other fundamental human rights.

According to OCHA, as of December 2016 an estimated 120,000 people in Rakhine state are internally displaced. Many Rohingya have lived in IDP camps since inter-communal violence during 2012.

The cumulative impact of deteriorating living conditions, combined with ongoing persecution, has led tens of thousands of Rohingyas to flee to neighboring countries, where they are often subject to further abuse, human trafficking and refoulement. According to OCHA, an estimated 65,000 civilians have fled Rakhine state into Bangladesh since October.

While the previous government signed ceasefire agreements with several ethnic armed groups, conflict continues. Recent fighting between Myanmar's military forces (Tatmadaw) and the Kachin Independence Army in Kachin state, particularly around IDP camps, has resulted in more than 23,000 people displaced since December 2016.

ANALYSIS

The recent violence in Rakhine state represents a dangerous escalation of the conflict between state security forces and the Rohingya minority, heightening the risk of further mass atrocity crimes. The obstruction of humanitarian aid endangers the lives of vulnerable populations.

The previous government's refusal to end discriminatory state policies against the Rohingya encouraged violations of their fundamental human rights and reinforced the dangerous perception of them as ethnic outsiders. The Protection of Race and Religion bills were intended to eradicate the Rohingya's legal right to exist as a distinct ethnic group in Myanmar.

The National League for Democracy (NLD) government, which is uniquely positioned to improve the plight of the Rohingya and has been hailed by many international partners for making progress towards democracy, has yet to repeal discriminatory laws and anti-Rohingya policies.

With a pervasive culture of impunity, the Tatmadaw has not been held accountable for previous mass atrocity crimes, and there are grave fears for the safety of vulnerable Rohingya civilians as the security forces continue operations in Rakhine state.

The government of Myanmar is failing to uphold its primary Responsibility to Protect with regard to the Rohingya.

INTERNATIONAL RESPONSE

Following decades of military dictatorship, democratic reforms have contributed to rapprochement between Myanmar and the international community, including the lifting of sanctions. Citing progress on human rights under the leadership of Aung San Suu Kyi, the EU announced on 16 September that it would not be submitting a UN General Assembly human rights resolution on Myanmar for the first time since 1991.

At the request of the United States, on 17 November the UN Secretary-General's Special Adviser on Myanmar, Vijay Nambiar, briefed the UNSC on the situation in northern Rakhine state.

On 4 December Malaysian Prime Minister Najib Razak led a protest rally in Kuala Lumpur against what he called the "genocide" of the Rohingya minority and urged other Asian countries to apply pressure on the government of Myanmar.

Foreign Ministers from the Association of Southeast Asian Nations (ASEAN) attended talks on 19 December in Yangon to discuss the ongoing counterinsurgency operations in Rakhine state. During the meeting Malaysia reportedly urged the creation of an independent ASEAN-led investigation into widespread reports of abuses by the security forces against Rohingya civilians.

On 29 December a group of 11 Nobel Peace Prize laureates and other public figures issued an open letter calling upon the UNSC to put the situation of the Rohingya on its agenda and urging the new UN Secretary-General to visit Myanmar as a matter of priority. The letter urged the UN to encourage the government of Myanmar to lift all restrictions on humanitarian aid and ensure access for journalists and human rights monitors. The letter also encouraged the creation of "an independent, international inquiry" into the situation in Rakhine state.

NECESSARY ACTION

While responding to the recent border post attacks, the NLD government and Tatmadaw must prioritize protection of civilians and ensure that all security operations in Rakhine state are fully compliant with international law. The government must expand accountability measures for human rights abuses committed by the security forces.

The government of Myanmar must uphold its Responsibility to Protect all populations, regardless of their ethnicity or religion. The government should immediately abolish the Rakhine Action Plan and end institutionalized discrimination against the Rohingya, including the denial of citizenship. The government needs to prohibit hate speech and should collaborate with OHCHR to open a UN human rights office in Myanmar.

In Rakhine state the government must facilitate the safe, voluntary return of IDPs to their communities. Countries that receive Rohingya asylum seekers should offer them protection and assistance. ASEAN members should continue to urge the government of Myanmar to address immediate humanitarian concerns as well as the root causes of the crisis.

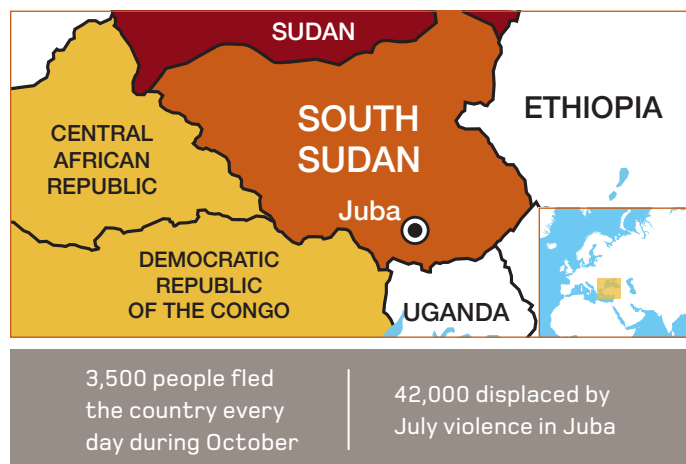
The UN should establish an independent, international Commission of Inquiry to investigate the situation in northern Rakhine state and the plight of the Rohingya.

MORE INFORMATION

- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide, on the situation in northern Rakhine State, Myanmar, 29 November 2016](#)
- » [Statement by Vijay Nambiar, UN Special Adviser on Myanmar, 8 December 2016](#)
- » [GCR2P Populations at Risk: Myanmar \(Burma\)](#)

IMMINENT RISK

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



SOUTH SUDAN

Despite the August 2015 peace agreement, recent violence in South Sudan poses an imminent threat to populations who may be targeted on the basis of ethnicity and presumed political loyalties.

BACKGROUND

The peace process that formally ended the 2013–2015 civil war in South Sudan remains on the brink of collapse as a result of ongoing violence. In a briefing to the UNSC on 17 November the UN Special Adviser on the Prevention of Genocide, Adama Dieng, warned that there is a "strong risk of violence escalating along ethnic lines, with the potential for genocide." On 19 December former UN Secretary-General Ban Ki-moon warned the UNSC that failure to act would put the country on a "trajectory towards mass atrocities."

On 28 November the Spokesperson for the UN Secretary-General announced that the UN Mission in South Sudan (UNMISS) had received reports of government-aligned militias deploying to the Equatoria region ahead of a planned offensive against armed rebels and ethnic groups presumed to be supporting them. Following a ten-day visit to the country, the UN Commission on Human Rights in South Sudan stated on 1 December that there is already "ethnic cleansing underway in several areas of South Sudan using starvation, gang rape and the burning of villages." Armed clashes between elements of the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO) reportedly escalated in Eastern Equatoria on 3 January.

In early October fighting resumed in Unity state with the UN receiving reports of civilians being raped, abducted and killed, as well as of the forced recruitment of children. Heavy fighting was also reported near Malakal, Upper Nile state. During October the UN reported over 100,000 people were trapped in Yei, Central Equatoria state, due to armed clashes between elements of

the SPLA and the SPLA-IO. Clashes around Yei continue, with 80 people reportedly killed from 5–10 January. According to UNHCR, an average of 3,500 people fled South Sudan to neighboring countries every day during October.

The latest violence follows five days of intense fighting from 7–11 July between elements of the SPLA and the SPLA-IO. Heavy combat, including tanks and helicopter gunships, took place in Juba. Following an 11 July ceasefire, First Vice President Riek Machar fled Juba and was replaced on 24 July by Taban Deng Gai, whose nomination by the fractured opposition was accepted by President Salva Kiir.

Hundreds of people, including civilians and two UN peacekeepers, were reportedly killed during the July fighting and 42,000 people were displaced in Juba. Some civilians attempting to flee to UN bases were subjected to targeted killings on the basis of ethnicity. OHCHR and UNMISS reported widespread sexual violence, possibly amounting to war crimes and crimes against humanity, took place during the July violence.

On 5 August the Intergovernmental Authority on Development (IGAD) proposed the deployment of a Regional Protection Force (RPF) to support UNMISS. On 12 August the UNSC adopted Resolution 2304, authorizing the deployment of the 4,000-strong RPF. The Transitional Government of National Unity issued a joint communiqué with the UNSC on 4 September consenting to its deployment. However, despite South Sudan's Minister of Cabinet Affairs announcing on 26 November that the government accepted the RPF with "no conditions," the Transitional Government has made no progress towards fulfilling its commitments regarding the RPF.

The fighting in Juba occurred nearly a year after President Kiir and Machar had agreed to end the country's civil war by signing the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" during August 2015. The power-sharing agreement called for a permanent ceasefire, as well as the establishment of an independent Hybrid Court for South Sudan (HCSS) to investigate atrocities committed during the conflict. Between 2013–2015 parties to the civil war engaged in war crimes and crimes against humanity, including widespread extrajudicial killings, torture, child abductions and sexual violence, with both sides targeting civilians as part of their military tactics.

The civil war was the result of a conflict that started on 15 December 2013 between the SPLA and SPLA-IO. Over the following 18 months, the worst fighting was between ethnic Dinka and Nuer soldiers loyal to President Kiir and Machar, respectively. At least 24 armed militias loosely aligned with

either side, including the powerful Nuer White Army, have been operating in South Sudan. At least 50,000 people were killed while nearly 1.7 million people were internally displaced and 900,000 fled the country, according to UNHCR.

ANALYSIS

Political instability and sustained violence have been pervasive in South Sudan for the majority of its five years of independence. The resumption of fighting and the split in the SPLA-IO leaves civilians at ongoing risk of potential mass atrocity crimes, particularly during the dry season when troops are able to be more mobile.

Despite the formation of the Transitional Government of National Unity, the peace agreement was never fully implemented and the root causes of the conflict have not been addressed. A pervasive culture of impunity has fueled recurring cycles of armed violence and mass atrocities. The UN Panel of Experts on South Sudan has reported that deliberate policies by parties to the conflict have “exacerbated the political, tribal and ethnic drivers of the war.”

The government has previously obstructed UNMISS. With ongoing resource deficits and a hostile operating environment, UNMISS is still struggling to protect vulnerable populations.

The Transitional Government has failed to uphold its Responsibility to Protect and ensure accountability for past mass atrocity crimes. UNMISS requires urgent international assistance in order to uphold its civilian protection mandate.

INTERNATIONAL RESPONSE

On 31 May the UNSC adopted Resolution 2290 extending the sanctions regime until 31 May 2017 and the mandate of the Panel of Experts until 1 July 2017. Six senior military figures, three from both the SPLA and SPLA-IO, are currently subject to sanctions.

IGAD issued a communiqué on 9 December, following an Assembly of Heads of State and Government, which condemned “systematic targeting, killings and forced displacement of civilian populations,” expressed concern over the “rising ethnic rhetoric, hate speech and ethnically-fueled violence,” and called upon the parties to immediately cease all hostilities.

On 14 December, during a UN Human Rights Council special emergency session on South Sudan, a resolution was adopted, emphasizing that the government of South Sudan has “the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity.”

On 15 December the UNSC adopted a resolution extending UNMISS' mandate for an additional year. The resolution also authorized UNMISS to monitor, investigate and report on incidents of hate speech and incitement to violence in cooperation with the UN Office on Genocide Prevention and the Responsibility to Protect. On 23 December the UNSC

failed to adopt a resolution authorizing an arms embargo and further targeted sanctions when eight members of the Council abstained from voting.

NECESSARY ACTION

The Transitional Government must abide by the cessation of hostilities and fully implement all provisions of the August 2015 peace agreement and UNSC Resolution 2304. All political and community leaders should publicly condemn the use of ethnic hate speech. The government, SPLA and SPLA-IO must ensure that UNMISS is able to move freely and without threats to their personnel. The inviolability of UN compounds must be respected.

IGAD, together with the Transitional Government, must expeditiously establish and deploy the RPF. The international community should immediately enhance UNMISS' capabilities through the provision of additional aviation assets, including tactical military helicopters and unarmed unmanned aerial systems.

Following the November 2016 publication of the UN's Independent Special Investigation into the violence in Juba, UNMISS needs to fully implement recommendations regarding providing adequate protection to civilians, ending human rights violations and ensuring that all UNMISS commanders uphold their mandate.

The UNSC and IGAD should impose an arms embargo on South Sudan and extend targeted sanctions against those deemed to be prolonging, exacerbating or profiting from ongoing conflict.

The AU should establish the HCSS and ensure it has the resources to investigate and prosecute individuals responsible for mass atrocities committed since December 2013, including commissioning a special investigation into the July violence in Juba. The government, AU and international community must hold those responsible for atrocities in South Sudan accountable, regardless of affiliation or position.

MORE INFORMATION:

- » [UNMISS Website](#)
- » [Joint Communiqué by Transitional Government of National Unity of South Sudan and UNSC Members](#), 4 September 2016
- » [UNSC Resolution S/RES/2327](#), 15 December 2016
- » [GCR2P Populations at Risk: South Sudan](#)

SERIOUS CONCERN

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



1.9 million IDPs

700+ civilians killed
by the ADF since
October 2014

DEMOCRATIC REPUBLIC OF THE CONGO

Populations in the eastern Democratic Republic of the Congo remain at risk of possible mass atrocity crimes perpetrated by armed groups. Postponed presidential elections have also resulted in political violence.

BACKGROUND

Despite the signing of a political agreement on 31 December, there is an ongoing risk of deadly political violence as a result of tensions surrounding postponed presidential elections in the Democratic Republic of the Congo (DRC). Security forces have been accused of using excessive force during demonstrations on 19 September and 20 December – the day after President Joseph Kabila's constitutional mandate ended. The UN Joint Human Rights Office in the DRC recorded 48 civilians killed by security forces during the September demonstrations and more than 40 people killed in Kinshasa, Lubumbashi, Boma and Matadi during December.

As a result of a failure to hold elections during 2016, on 1 September a national dialogue was launched to ensure a peaceful political process, but most opposition groups refused to participate. On 18 October participants in the national dialogue reached an agreement mandating the creation of a transitional government with Kabila continuing as President until elections are held in April 2018. Additional mediation between the government and opposition took place under the aegis of the Conference Episcopale du Congo (CENCO). On 31 December the CENCO negotiations resulted in a deal calling for elections to be held during 2017 and for President Kabila to abstain from seeking a third term.

Pervasive insecurity in the eastern DRC has also allowed armed groups to perpetrate mass atrocity crimes against civilians. Armed groups – such as the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces (ADF) and various Mayi-Mayi militias – have been operating in the DRC for more than 20 years and continue to sporadically attack vulnerable populations in a region that is home to 1.9 million IDPs.

Despite offensives conducted by the government's armed forces (FARDC) with assistance from the UN's stabilization mission in the DRC (MONUSCO) and its force intervention brigade, violence committed by dozens of armed groups continues throughout the eastern DRC. Populations in Maniema, Katanga and North Kivu have been particularly affected by fighting. Clashes between Mayi-Mayi Mazembe, a primarily ethnic Nande militia, and Hutu militias resulted in more than 30 civilians killed from 22–25 December. On 6 January OCHA reported that violence resulting from tensions between DRC authorities and a local militia chief had resulted in over 150 people killed in Kasai, Kasai Central and Kasai Oriental provinces since August 2016.

Inter-communal clashes have also sparked violence in North Kivu, particularly between armed groups affiliated with the FDLR, and those affiliated with ethnic Nandes. Elsewhere in North Kivu the ADF and other armed groups have been sporadically attacking villages near Beni, massacring more than 700 civilians since October 2014 and perpetrating possible crimes against humanity.

ANALYSIS

Growing government repression and the population's frustration with the unconstitutional delay in elections enhances the risk of political violence. The CENCO agreement provides an opportunity for a peaceful transition of power in the DRC if all parties swiftly agree to an implementation strategy.

Competition for control of profitable minerals, as well as underlying conflict between communities that consider themselves indigenous and those perceived as outsiders, has enabled the proliferation of armed groups in the DRC. Such groups will continue to emerge even after the eradication of the ADF and FDLR if these issues are not resolved.

Military measures taken against armed groups continue to leave civilians at risk of reprisal violence. The FARDC has also been implicated in attacks on civilians, including widespread sexual violence, and often fails to hold its members accountable for human rights violations.

The government of the DRC has struggled to uphold its Responsibility to Protect and its own forces have been complicit

in some previous mass atrocity crimes. The DRC needs ongoing international support to prevent recurring violence.

INTERNATIONAL RESPONSE

On 30 March 2016 the UNSC extended MONUSCO's mandate until March 2017, emphasizing that the DRC government "bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes."

OHCHR has called for accountability for the killing of civilians during the September and December protests. Five UN Special Rapporteurs have issued statements condemning the security forces' deadly response to protests and urging the government to lift bans on public assembly.

On 12 December the United States announced targeted sanctions against two high-ranking government officials while the EU imposed sanctions on seven individuals with "command and control" responsibility for security forces involved in deadly violence. The UNSC also currently subjects 9 entities and 31 individuals connected to armed groups in the eastern DRC to sanctions.

On 4 January the UNSC issued a Presidential Statement welcoming the CENCO agreement.

NECESSARY ACTION

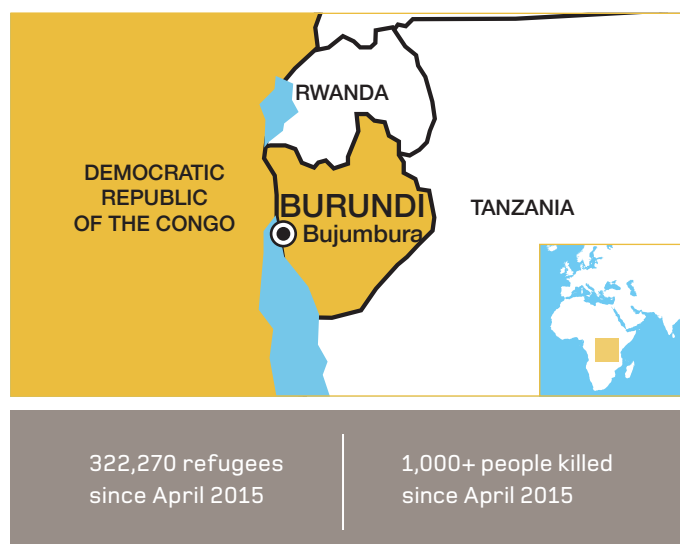
The DRC government and MONUSCO must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups. The FARDC and MONUSCO need to improve their capacity to respond to early warning of inter-communal violence and attacks by armed groups. MONUSCO should also support the government in facilitating local peacebuilding initiatives and encourage civil society to help facilitate DDRRR.

The FARDC must not permit individuals who have previously committed atrocities to join its forces and should train all recruits in the protection of civilians, respect for human rights and IHL. The security forces must respect international standards on the use of force during demonstrations.

Parties to the CENCO political agreement should ensure its swift implementation as a means of avoiding any further deterioration of the political situation.

MORE INFORMATION

- » [MONUSCO Website](#)
- » ["UN Human Rights Experts Deeply Condemn New Violent Repression of Protests, OHCHR, 23 September 2016](#)
- » [UNSC Presidential Statement, S/PRST/2017/1, 4 January 2017](#)
- » [GCR2P Populations at Risk: DRC](#)



BURUNDI

Civilians in Burundi face a risk of potential mass atrocity crimes as ongoing political violence and targeted killings continue to destabilize the country.

BACKGROUND

There is an ongoing risk of mass atrocity crimes in Burundi as a result of targeted killings, widespread violations of human rights, and ongoing clashes between the security forces and armed elements of the opposition. The UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, and the UN Independent Investigation on Burundi (UNIIB) have raised concern over reports of extrajudicial executions, mass arrests, illegal detention and torture, as well as systematic targeting of members of the opposition and of the former Burundian army.

Following UNIIB's September 2016 report the government denounced the findings and took steps to further isolate itself from the international community, announcing that Burundi would no longer cooperate with OHCHR. The government had previously rejected a UNSC-mandated international police force and on 12 October Burundian lawmakers voted to withdraw from the ICC.

Since 26 April 2015 at least 1,000 people have been killed in civil unrest. The crisis developed following the announcement by the ruling Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie (CNDD-FDD) that President Pierre Nkurunziza would seek a third term in the country's elections. President Nkurunziza's candidacy was regarded by the political opposition and many civil society groups as being in violation of the constitution and the 2000 Arusha Peace and Reconciliation Agreement, which brought an end to a civil war that claimed over 350,000 lives between 1993 and 2005. UNHCR has reported that over 322,270 Burundians have fled the country since April 2015, and over 100,000 are internally displaced.

OHCHR has reported cases of sexual violence committed by the security forces. Independent media outlets have been destroyed or shut down. The government has also suspended the permits of local human rights groups. There are ongoing reports of hate speech and incitement to violence by some government officials and some opposition supporters.

Members of the current Burundian army and police, as well as of the ruling CNDD-FDD, have also been assassinated in suspected reprisal killings. On 1 January Burundi's environment and water minister was assassinated in Bujumbura.

Regional organizations, particularly the East African Community (EAC), have attempted to mediate the conflict, but on 13 December the opposition rejected the EAC facilitator, former Tanzanian President Benjamin Mkapa.

ANALYSIS

There is a risk that the ongoing political crisis in Burundi could deteriorate into an open armed conflict that would significantly increase the risk of mass atrocity crimes. The refusal to cooperate with the UNSC, OHCHR and ICC is a disturbing indication of the government's unwillingness to accept international scrutiny regarding ongoing human rights violations in Burundi.

Despite a sustained period of stability since the end of the 1993-2005 civil war, recurring political and ethnic conflict have previously caused mass atrocity crimes in Burundi. There is a risk that the army could further fracture along political and ethnic lines. Tensions between the army, traditionally dominated by the ethnic Tutsi minority, and ethnic Hutu political organizations have previously been a perennial source of conflict.

The Burundian government must take urgent action to reengage with the international community and uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

On 29 July the UNSC passed Resolution 2303 urging Burundi to accept the deployment of up to 228 UN police, including those mandated to provide protection and assistance to OHCHR and AU monitors. The government rejected the proposal.

On 30 September the UN Human Rights Council passed a resolution authorizing the creation of a commission of inquiry to conduct investigations into human rights violations and abuses in Burundi since April 2015.

On 13 October the UNSC requested that the Secretary-General's Special Adviser for Conflict Prevention on Burundi, Jamal Benomar, consult with the government on "a way forward on all issues related to peace and security and UN activities in the country," including the deployment of a UN police force.

On 29 November the UN Committee on the Elimination of Racial Discrimination (CERD) issued a warning amid reports of armed militias intimidating civilians. CERD urged the government to uphold its protection responsibilities, accept the UN police force, and "step back from any activities that risk stoking ethnic conflict and that could even be a precursor to mass atrocities."

On 3 January the UNSC, AU and several governments condemned the assassination of Burundi's environment and water minister.

NECESSARY ACTION

Immediate steps must be taken by the government and opposition to avoid further militarization and/or ethnicization of the political crisis. Allegations of human rights abuses, torture and extrajudicial killings should be subject to thorough and independent investigation. The government should honor its commitment to release detainees, allow independent media and ensure civil society can operate freely. The government should also reconsider its decision to withdraw from the ICC.

The UNSC should condemn recent actions by the government to block OHCHR and the ICC from investigating human rights violations in the country, and revisit the issue of authorizing a robust UN police presence. Given the government's recent actions, the AU, UNSC and individual states should impose targeted sanctions on any individuals implicated in targeted killings, inciting violence or breaching the Arusha Peace Agreement.

MORE INFORMATION

- » [UNSC Resolution, S/RES/2303](#), 29 July 2016
- » [Final report of the mission of independent experts to Burundi, A/HRC/33/37](#), 30 September 2016
- » [UN HRC Resolution, A/HRC/RES/33/24](#), 30 September 2016
- » [GCR2P Populations at Risk: Burundi](#)



Over 6,200 people extrajudicially
killed since June 2016

PHILIPPINES

President Rodrigo Duterte's "war on drugs" leaves civilians in the Philippines at risk of extrajudicial killing and potential crimes against humanity.

BACKGROUND

Identifying illegal drugs as one of the Philippines' top social problems, President Rodrigo Duterte's successful 2016 election campaign promised to crush criminality and corruption and publicly advocated the killing of suspected drug dealers and users.

Since President Duterte took office on 30 June, over 6,200 people have been extrajudicially killed. In addition to police violence, unidentified gunmen continue to carry out executions of alleged drug offenders, as President Duterte has publicly encouraged vigilante groups to join his campaign. Some civilians whose names have appeared on police registries of drug offenders have subsequently been murdered by vigilantes. Of the 6,200 people killed so far, over 4,040 have died in vigilante-style killings, while more than 2,160 have been killed in police operations.

President Duterte has admitted that innocent civilians, including children, may have been killed in the crackdown, referring to them as "collateral damage." Fearing execution, over 750,000 alleged drug offenders have surrendered to police. President Duterte has also extended his death threats to human rights defenders and lawyers representing those arrested for drug offenses.

Unlawful violence against civilians shows no sign of abating. During October, the Philippines Senate Committee announced that investigations into extrajudicial killings would be abandoned. On 14 December the government cancelled a trip by the UN Special Rapporteur on extrajudicial killings, Agnes Callamard, due to her refusal to accept the conditions imposed on her visit.

On 20 December UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, urged the Philippine judicial authorities to launch an investigation into extrajudicial killings after President Duterte admitted to personally killing "about three" people while mayor of Davao during 1988–2016.

ANALYSIS

Under the current government, Filipinos are at growing risk of systematic extrajudicial killings that may amount to crimes against humanity. By calling upon armed vigilantes to join the "war on drugs," President Duterte has reinforced an atmosphere of impunity. Governmental bodies are dominated by President Duterte's allies, allowing human rights violations to continue without the prospect of accountability under the justice system.

While the government of the Philippines has sovereign authority to maintain law and order within their borders, including by punishing those who deal in illegal drugs, they are obligated to do so with respect to IHRL.

The government of the Philippines is failing to uphold its Responsibility to Protect all Filipinos, including those accused of drug offenses.

INTERNATIONAL RESPONSE

The international community has expressed grave concern about state violence in the Philippines. On 3 November the spokesperson for the Philippines National Police (PNP) responded to criticisms by the Global Centre for the Responsibility to Protect and other NGOs by inviting international human rights organizations to visit the Philippines and investigate. The government has not, however, responded to a formal request to visit.

On 15 September the European Parliament condemned the spate of extrajudicial killings and insisted the government immediately stop the violence.

President Duterte has compared the war on drugs with the Holocaust and declared his willingness to "slaughter" the Philippines' 3 million suspected drug abusers. In response, on 30 September the UN Special Adviser on the Prevention of Genocide, Adama Dieng, called upon the President to "exercise restraint in the use of language that could encourage the commission of crimes which, if widespread and systematic, may amount to crimes against humanity."

On 13 October the Chief Prosecutor of the ICC, Fatou Bensouda, declared that her office will closely monitor the situation and consider a preliminary examination into the violence.

In November the United States, citing concerns over recent human rights violations, halted the sale of 26,000 assault rifles to the PNP and reallocated \$4.5 million in aid normally given to the Philippines' law enforcement to focus instead on maritime security and human rights training.

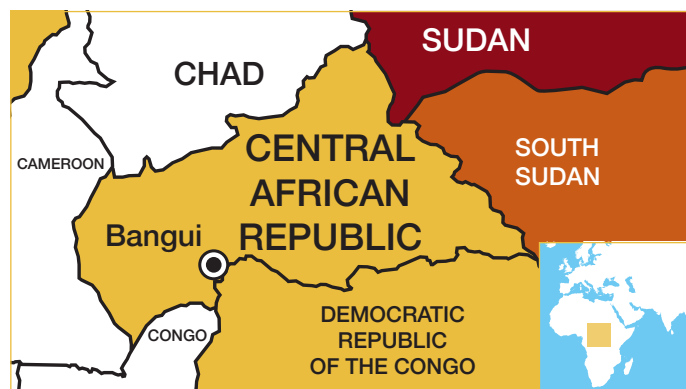
NECESSARY ACTION

National authorities in the Philippines must restore the rule of law and immediately halt widespread extrajudicial killings. The government should investigate all vigilante killings and hold perpetrators accountable. The government should remove unreasonable conditions imposed on the UN Special Rapporteur on extrajudicial killings and allow her to visit the Philippines.

The UN and ICC should continue to closely monitor the situation in the Philippines. States with strong economic and political ties to the Philippines, such as the United States, must increase diplomacy aimed at ending systematic extrajudicial killings.

MORE INFORMATION

- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide, on the situation in the Philippines](#), 30 September 2016
- » [Statement by Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, on extrajudicial killings in the Philippines](#), 20 December 2016
- » [Populations at Risk: Philippines](#)



434,170 IDPs

2.3 million people in
need of humanitarian
assistance466,000
refugees

CENTRAL AFRICAN REPUBLIC

Civilians in the Central African Republic remain at risk of mass atrocity crimes committed by "anti-balaka" militias, ex-Séléka rebels and other armed groups.

BACKGROUND

Despite a period of relative stability following the peaceful election of a new President, Faustin-Archange Touadéra, in February 2016, civilians in the Central African Republic (CAR) remain at risk of mass atrocity crimes as armed groups continue to perpetrate attacks on civilians.

Hostilities between factions of the ex-Séléka, a predominantly Muslim rebel group, and anti-balaka militias have escalated throughout the country, particularly near Kaga-Bandoro, Bria, and Bambari. Between 15 September and 15 October more than 70 people were killed in Kaga-Bandoro and surrounding villages as a result of attacks by ex-Séléka members and clashes with

anti-balaka militias. An additional 40 people were killed near Bambari during October.

Growing tensions in Bria have also resulted in violent conflict. At least 85 civilians were killed and 11,000 displaced between 21-25 November during clashes between supporters of the Union for Peace in CAR (UPC) and Popular Front for the Central African Renaissance (FRPC), many of whom were previously members of the Séléka. FRPC supporters reportedly targeted ethnic Fulani during house-to-house searches.

A new armed group, "Return, Reclamation, Rehabilitation" (3R), has also emerged. Human Rights Watch documented 3R killing at least 50 civilians in Ouham-Pendé province between 21-27 November, reporting evidence of villages pillaged and burned. The Lord's Resistance Army (LRA), which is active in eastern and southern prefectures, also increased its sporadic attacks during 2016, including abducting and killing civilians.

The escalating violence has resulted in an increasingly difficult operating environment for humanitarian workers, who have sometimes been the target of attacks. Several humanitarian agencies were forced to withdraw from Kaga-Bandoro during 2016. Troops from the UN Mission in CAR (MINUSCA) have also been ambushed by armed groups, with three peacekeepers killed during early January.

The crisis in CAR began after the 24 March 2013 overthrow of President François Bozizé by the Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian and animist "anti-balaka" militias. MINUSCA and an EU military assistance mission are presently deployed in the country.

An International Commission of Inquiry for CAR has found the anti-balaka and ex-Séléka armed groups responsible for war crimes and crimes against humanity. The Commission estimated that 80 percent of CAR's Muslim population had been driven out of the country during the 2013-2015 crisis and concluded that crimes committed by the anti-balaka constituted a "policy of ethnic cleansing" against CAR's Muslims.

There are currently more than 434,170 IDPs in CAR and over 466,000 refugees in neighboring countries. An estimated 2.3 million people – half the population – remain in need of humanitarian assistance.

ANALYSIS

Hostilities between anti-balaka militias, ex-Séléka rebels, armed Muslim self-defense groups and other armed groups, as well as between international peacekeepers and these groups, continue to pose a threat to civilians. Violence between nomadic pastoralists and settled agriculturalist communities in the transhumance corridor also continues.

The largely peaceful elections and political transition represent important progress, but the underlying conflict in CAR remains unresolved. Armed groups continue to exercise control over large parts of the country. The fragmentation of the ex-

Séléka and anti-balaka is proving challenging for Disarmament, Demobilization and Reintegration programs.

National security forces have previously been implicated in serious violations of IHL and IHRL and remain unable to repel major attacks by various armed groups without the assistance of international forces.

MINUSCA continues to face critical capacity gaps that impede its ability to uphold its mandate to protect civilians throughout CAR. Allegations of sexual abuse of children by MINUSCA peacekeepers have undermined confidence in the UN. Attacks on MINUSCA by armed groups constitute war crimes.

The CAR government requires sustained international assistance to uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

Following the deadly surge in violence during late 2013, the international community intensified its response to the crisis in CAR, including by passing six UNSC resolutions between October 2013 and April 2015 that emphasized the interim government's responsibility to protect the civilian population.

On 27 January 2016 the UNSC passed Resolution 2262, renewing sanctions and the arms embargo. On 7 March the UNSC added Joseph Kony and the LRA to the sanctions list. On 26 July the UNSC passed Resolution 2303, renewing the mandate of MINUSCA until 15 November 2017 and recalling the primary responsibility of CAR's authorities to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

On 17 November international donors pledged more than \$2 billion to fund the CAR government's national plan for reconciliation and rebuilding.

On 25 November the UN Special Adviser on the Prevention of Genocide, Adama Dieng, raised concern about reports of ethnic targeting of Fulani and called upon the government to uphold its responsibility to protect.

NECESSARY ACTION

The government should prioritize accountability for mass atrocity crimes and other violations and abuses of IHRL and IHL, including through cooperation with the ICC. Urgent financial and logistical resources are needed to establish the hybrid Special Criminal Court for CAR.

MINUSCA must forcibly disarm groups that continue to threaten populations, particularly near Kaga-Bandoro and Bria. MINUSCA must ensure it deploys in adequate numbers to all areas where vulnerable civilians lack sufficient protection. MINUSCA must improve its capacity to anticipate and rapidly respond to emerging security threats.

MORE INFORMATION

- » [MINUSCA Website](#)
- » [Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide](#), 25 November 2016
- » [GCR2P Populations at Risk: Central African Republic](#)
- » [GCR2P Populations at Risk: Central Africa \(Lord's Resistance Army\)](#)



2.3 million people
displaced in the
Lake Chad Region

20,000+ people
killed by Boko Haram
violence since 2009

NIGERIA

Mass atrocity crimes continue to be threatened by the extremist group Boko Haram in northern Nigeria. Recurring inter-communal violence in the "middle belt" region also constitutes a serious threat to civilians.

BACKGROUND

While military operations by the Nigerian army and the regional Multinational Joint Task Force (MNJTF) have recovered most of the territory once held by the armed extremist group Boko Haram, sporadic attacks continue in the Lake Chad Basin, with 17 million people living in the affected area. Recent attacks include a 9 December suicide bombing in Madagali, Adamawa state, where at least 45 people were killed, and suicide bombings in Maiduguri, Borno state, on 12 and 31 December.

The Nigerian government's seven-year conflict with Boko Haram has claimed more than 20,000 lives. According to OCHA, there are currently 2.3 million people displaced in the Lake Chad Basin, with the majority in Nigeria. The Boko Haram conflict has resulted in famine-like conditions in parts of Nigeria and a humanitarian crisis in neighboring Cameroon, Chad and Niger. Boko Haram has kidnapped thousands of civilians during its insurgency, often targeting schools for attack, including the 2014 abduction of 276 girls from Chibok and the 2015 abduction of 300 elementary students in Damasak. The vast majority of abducted children remain missing.

On 24 December President Muhammadu Buhari announced that the Nigerian military had driven out Boko Haram militants from their last camp in the Sambisa forest.

As the government continues to confront Boko Haram, several other conflicts, rooted in long-standing grievances over land and resource allocation, have reignited in Nigeria's "middle belt" and Niger Delta regions.

Inter-communal clashes between semi-nomadic herdsman and settled farming communities resulted in hundreds of deaths during 2016, particularly in Southern Kaduna state. Fulani herdsman have been accused of attacks on predominantly Christian villages, burning homes and churches and killing civilians. On 31 December Nigeria's National Human Rights Commission called upon the government and security forces to address the recurring conflict.

Nigerian security forces have previously been accused of failing to adequately protect vulnerable populations from Boko Haram and of committing human rights abuses against civilians.

ANALYSIS

While attacks by Boko Haram have become less frequent, the group continues to target civilians. Destroyed infrastructure across the northeast and the ongoing threat of Boko Haram attacks makes the return of displaced populations dangerous and limits humanitarian operations.

Large-scale displacement and insecurity have increased unemployment and poverty within Nigeria, which is already experiencing a severe decrease in government revenue due to depressed oil prices. The scale and frequency of human rights abuses committed by the security forces reveal ongoing weaknesses in the training of the Nigerian army and police.

The government of Nigeria continues to struggle to uphold its Responsibility to Protect and needs ongoing support from the international community.

INTERNATIONAL RESPONSE

On 29 November the AU Peace and Security Council renewed the mandate of the MNJTF until 31 January 2018.

The international response to the situation in Nigeria is currently focused on alleviating the humanitarian crisis. On 2 December the UN launched a \$1 billion funding appeal to address food and displacement challenges in northeastern Nigeria.

NECESSARY ACTION

Governments involved in the MNJTF and ongoing military operations against Boko Haram need to mitigate the risk to civilians and strictly adhere to IHL and IHRL. Captured Boko Haram leaders should be held accountable for possible crimes against humanity.

It is essential that the government of Nigeria addresses the root causes of recurring inter-communal conflict, especially in the "middle belt" region, through socio-economic initiatives and political reforms that tackle corruption, poor governance and land rights, as well as access to employment and educational opportunities.

The government needs to urgently undertake a comprehensive security sector reform to ensure that the army and police are trained to protect civilians and prevent mass atrocities in a manner consistent with international law.

MORE INFORMATION

- » ["Nigeria: The Challenge of Military Reform,"](#) International Crisis Group, 6 June 2016
- » [GCR2P Populations at Risk: Nigeria](#)

Syria:

On 21 December the UN General Assembly adopted a resolution establishing an impartial, independent, international mechanism to assist in the investigation and future prosecution of those responsible for mass atrocity crimes committed in Syria since March 2011. The resolution was put forward by member states due to the failure of the UNSC to take meaningful action regarding accountability in Syria. There have been multiple calls to refer the situation to the ICC since the conflict began, however Russia and China have used their veto in the UNSC to block previous efforts.

The investigative mechanism is the first of its kind established by the General Assembly, and will work in close cooperation with the UN Commission of Inquiry on Syria established by the Human Rights Council in 2011.

The resolution tasks the UN Secretary-General with developing the terms of reference of the mechanism within 20 working days of its adoption as well as with immediately undertaking the necessary steps for its establishment. The mechanism will be enabled through voluntary funding. So far the Netherlands has pledged 1 million Euros and expertise to facilitate its operationalization.

Uganda:

The first trial of Dominic Ongwen, a commander within the LRA charged with 70 counts of war crimes and crimes against humanity, began on 6 December in the International Criminal Court. Ongwen, who was abducted as a child and later became the senior commander of the LRA's Sinia Brigade, is the first LRA member to be tried by the ICC. Between July 2002 and

December 2005 Ongwen allegedly planned and perpetrated attacks against IDPs and civilians, including murder, rape, sexual slavery, torture, abduction, use of child soldiers and other international crimes. Ongwen's trial will reconvene with witness statements on 16 January.

Cambodia:

On 23 November the UN-backed Extraordinary Chambers in the Courts of Cambodia (ECCC) upheld the life sentences for two Khmer Rouge leaders convicted of mass atrocities. Khieu Samphan and Nuon Chea, who were the first two Khmer Rouge leaders convicted by the ECCC, were originally sentenced in August 2014 after being found guilty of crimes against humanity committed during their time as high-ranking Khmer Rouge officials between 1975-1979. Both men are currently undergoing a second trial on charges of genocide against ethnic Vietnamese and Muslim minorities, as well as forced rape and forced marriage. The Khmer Rouge was responsible for the deaths of over 2 million Cambodians.

Guatemala:

On 6 January the United States arrested a former member of the Guatemalan army, Jose Mardoqueo Ortiz Morales, for extrajudicial killings committed during Guatemala's civil war. Morales is wanted in Guatemala for murder, war crimes and crimes against humanity for his alleged role in the December 1982 Dos Erres massacre, during which approximately 300 civilians were killed. According to the Guatemalan Human Rights Commission, members of an elite military unit known as "the Kables" massacred civilians, including 113 children, and raped women and girls at Dos Erres.



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R2P Monitor is a bimonthly publication of the Global Centre for the Responsibility to Protect (GCR2P).

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