

# R2P MONITOR

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

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

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

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

### CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

### IMMINENT RISK

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

### SERIOUS CONCERN

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

## R2P Monitor:

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

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## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



240,000+  
people killed

7.6 million IDPs

13.5 million  
in need of  
assistance

## SYRIA

*The ongoing civil war in Syria leaves populations facing mass atrocity crimes committed by state security forces and affiliated militias. Some armed opposition groups and the Islamic State of Iraq and the Levant are also committing war crimes and crimes against humanity.*

### BACKGROUND

More than four and a half years of conflict in Syria has resulted in over 240,000 people killed. The UN High Commissioner for Refugees (UNHCR) reported that as of 6 September there were over 4 million Syrian refugees in neighboring countries, with at least 7.6 million internally displaced persons (IDPs) – the largest number of people displaced by any conflict in the world. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported on 27 October that over 13.5 million Syrians are in need of “some form of protection and humanitarian assistance” – an increase of 1.2 million people in ten months. All parties to the conflict have impeded humanitarian access to vulnerable civilians, with 4.5 million Syrians in inaccessible areas, an estimated 393,000 of whom are living in areas under siege.

The conflict has been increasingly influenced by the intervention of foreign powers. On 30 September Russia commenced major airstrikes in Syria, claiming it would target the Islamic State of Iraq and the Levant (ISIL). However, it has been reported that most munitions have been dropped on non-ISIL-held positions, including civilian-populated areas. The Syrian Observatory for Human Rights (SOHR) reported that at least 23 civilians were killed in a 7 November airstrike in Douma. As of 5 November Russia’s military presence in Syria has reportedly grown to 4,000 personnel.

In its tenth report, the UN Human Rights Council-mandated Commission of Inquiry (CoI) said that Syrians of all backgrounds “have been the subject of crimes against humanity and war

crimes, as well as other serious violations of international humanitarian law and gross violations of their human rights” that are “massive in extent and scope.” On 28 September UN Secretary-General Ban Ki-moon called for the situation in Syria to be referred to the ICC.

The government continues to conduct airstrikes in densely populated residential areas, contravening UN Security Council (UNSC) Resolution 2139 of 22 February 2014, which demanded all parties cease attacks on civilians and the use of indiscriminate weapons. The Violations Documentation Center in Syria reported to the UNSC on 26 June that 3,831 people had been killed by barrel bombs since Resolution 2139 was passed. The Syria Civil Defense reported that government air raids on 31 October struck a busy market in Douma, killing at least 61 civilians. The government also continues to obstruct the delivery of cross-border humanitarian aid, contravening UNSC Resolutions 2165 and 2191.

On 7 May the Organization for the Prohibition of Chemical Weapons (OPCW) informed the UNSC that its inspectors had found traces of sarin and ricin at three military locations, despite the government’s agreement to destroy its chemical weapons stockpile. In addition, an OPCW Fact-Finding Mission created in April 2014 has presented three reports establishing that chlorine continues to be used as a chemical weapon in Syria. The mission’s mandate, however, prevented it from attributing responsibility to any party.

Syrian government forces and allied militias have committed large-scale massacres and perpetrated war crimes and gross violations of international humanitarian law (IHL) as a matter of state policy. The CoI has reported that pro-government forces have conducted “widespread attacks on the civilian population, committing murder, torture, rape and enforced disappearances as crimes against humanity.”

Several armed opposition groups have also committed mass atrocity crimes, violated IHL and targeted religious minorities for attack. On 16 June a rebel bombardment of Aleppo killed 34 people, including 12 children, according to the SOHR.

ISIL, an extremist armed group operating on both sides of the Syria-Iraq border, poses a direct threat to civilians as its fighters have carried out mass executions and sexual enslavement in areas under their control. The CoI has reported that ISIL has committed crimes against humanity. According to the SOHR, between June 2014 and August 2015 ISIL executed 3,156 people, including 1,841 civilians. Between January and July this year ISIL also recruited an estimated 1,100 children as combatants.

Bahrain, Canada, France, Jordan, Saudi Arabia, United Arab Emirates and United States are currently conducting airstrikes against ISIL in Syria. The SOHR reported that at least 1,920

ISIL fighters and 66 civilians were killed during the coalition's military operations between September 2014 and April. Following a suicide attack that killed at least 30 people in Suruc, Turkey, on 24 July the Turkish government launched airstrikes on ISIL targets in Syria for the first time.

Other international actors continue to vie for influence in shaping the outcome of the conflict. Saudi Arabia and Qatar are providing arms to some rebel groups. Meanwhile, Iran continues to provide crucial economic, military and political support to the Syrian government. Hezbollah has directly engaged in fighting against Syrian rebels on both sides of the Syria-Lebanon border. Lebanon, which hosts over 1.1 million Syrian refugees, has also seen sporadic clashes between supporters and opponents of the Syrian government.

On 5 May the UN Special Envoy to Syria, Staffan de Mistura, began bilateral meetings in Geneva with the Syrian government, several opposition groups and regional powers to assess whether there is potential for a new round of peace negotiations. On 29 July he outlined a plan to invite all warring parties to participate in working groups that address key aspects of the 2012 Geneva Communiqué. However, several western-backed opposition groups released a statement on 3 October saying they did not support the plan.

On 30 October foreign ministers of several major powers, including Saudi Arabia and Iran, met in Vienna, Austria, to discuss the conflict. A joint statement emphasized the importance of accelerating diplomatic efforts and ensuring humanitarian access throughout the country. Participants agreed to engage with the UN and explore the possibility of a ceasefire. A second meeting will take place in late November.

## ANALYSIS

With all sides in Syria committed to an outright military victory, the lives of countless civilians are imperiled by the ongoing civil war.

The government continues to utilize its military resources to retain power at all costs and perpetrate crimes against humanity and war crimes. Under increasing military strain, the government has suffered serious territorial losses and increasingly relies upon Iran, Hezbollah and now Russia to fight the civil war. The Syrian government directs the war against armed rebels and populations presumed to be supporting them, regardless of the consequences to civilians trapped or displaced by the fighting.

The fracturing and radicalization of the opposition has compounded the difficulty of achieving a negotiated political settlement. ISIL and several other armed extremist groups 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. Despite adopting several resolutions concerning humanitarian access and chemical

weapons, the UNSC has been unable to enforce their compliance, while long-standing divisions within the UNSC over Syria have allowed the situation to deteriorate to the point where few options for a peaceful political solution exist.

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 regime for its widespread violations of human rights. [For responses prior to August 2015 see [GCR2P's Timeline of International Response to the Situation in Syria.](#)]

Since March 2011 the UNSC has failed to adequately respond to the conflict in Syria. Four draft resolutions have been vetoed by Russia and China. On 7 August, in response to continued allegations of chemical weapons use, the UNSC adopted Resolution 2235, establishing an OPCW-UN Joint Investigation Mechanism (JIM) "to identify to the greatest extent feasible individuals, entities, groups or governments who were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons" in Syria. On 10 September the Terms of Reference on the JIM were approved by the UNSC President. The UNSC has also passed Resolutions 2139 and 2165 on humanitarian access and indiscriminate weapons, but these have not been fully implemented.

The UN Human Rights Council has adopted 16 resolutions condemning atrocities in Syria. The latest, adopted on 30 September, demanded that all parties take all appropriate steps to protect civilians and stressed that the primary responsibility to protect the Syrian population lies with the Syrian authorities.

On 13 October the UN Special Advisers on the Prevention of Genocide and R2P released a statement expressing concern over the escalation of incitement to violence on religious grounds in Syria.

## NECESSARY ACTION

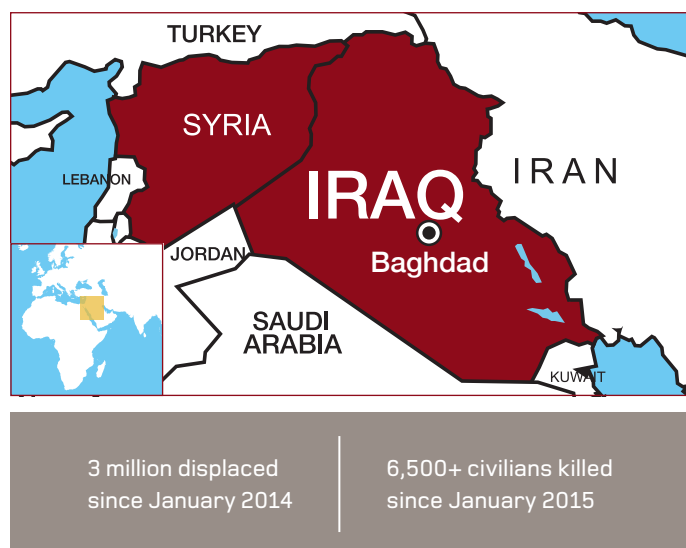
Syrian government forces and armed opposition groups must facilitate immediate and unimpeded humanitarian access to civilian populations trapped or displaced by fighting, in keeping with UNSC Resolutions 2139 and 2165. The international community must intensify efforts towards finding a potential political solution to the conflict and increasing assistance to populations affected by the civil war.

The UNSC needs to take proximate steps to end atrocities in Syria, including imposing an arms embargo and referring the situation to the ICC. In keeping with Resolutions 2139, 2165 and 2235, the UNSC must take expeditious action to end the use of chemical weapons and other indiscriminate and illegal weapons in Syria and hold all perpetrators accountable, regardless of position or affiliation.

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 support to armed groups who commit war crimes or target minority communities. All foreign states participating in airstrikes in Syria must ensure all necessary precautions are taken to avoid civilian casualties and uphold IHL.

## MORE INFORMATION

- » [UNSC Resolution 2235 S/RES/2235](#), 7 August 2015
- » [Report of the Col A/HRC/30/48](#), 22 September 2015
- » [HRC Resolution A/HRC/30/L.5/Rev.1](#), 30 September 2015
- » [Statement to the UNSC on Syria](#), OCHA, 27 October 2015
- » [GCR2P Populations at Risk: Syria](#)



## IRAQ

*The extremist armed group the Islamic State of Iraq and the Levant is committing war crimes and crimes against humanity in Iraq. As the Iraqi Security Forces, Shia militias and Kurdish fighters confront ISIL, civilians remain at risk of further mass atrocity crimes.*

## BACKGROUND

The security situation in Iraq remains dire as a result of ongoing attacks by ISIL, which operates on both sides of the Iraq-Syria border and has declared a caliphate spanning both countries. Widespread fighting between the Iraqi Security Forces (ISF) and ISIL, as well as several other armed groups, has also led to sectarian violence and gross human rights abuses. The UN Assistance Mission for Iraq (UNAMI) reported that 559 civilians were killed in acts of terrorism, violence and armed conflict during October. Over 6,500 civilians have been killed so far during 2015.

ISIL continues to systematically attack ethnic and religious minority communities, including Christians, Shabak, Yazidis and Turkmen, causing the mass displacement of vulnerable civilians. ISIL also routinely targets Shia neighborhoods in bombings, most

recently killing over 90 people in Baghdad on 13 and 15 August, and another 17 people on 21 September. ISIL car bombings in Diyala province on 18 July and 10 August also killed an estimated 190 people. On 7 August Iraq's Defense Minister claimed that ISIL had killed an estimated 2,000 civilians in Nineveh province so far this year.

According to a 23 February report by UNAMI and the Office of the High Commissioner for Human Rights (OHCHR), ISIL's violations, which include targeted killings, forced conversions, slavery and sexual abuse, "may amount to war crimes, crimes against humanity and possibly genocide." UNAMI reported that 2014 was the deadliest year in Iraq since 2008, with at least 12,280 civilians killed. The UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, reported that since January 2014 more than 3 million Iraqis have been displaced and over 8 million people are currently in need of humanitarian assistance.

Following several months of fighting, on 15 May ISIL declared that it had captured the strategic city of Ramadi, Anbar Province. By 18 May almost 25,000 people had fled Ramadi, according to the UN Humanitarian Coordinator in Iraq. Prime Minister Haider al-Abadi deployed Shia militias to assist the ISF counter-offensive, heightening concern for the civilian population. The United States announced it would send an additional 500 troops to join the approximately 3,000 trainers, advisers and other personnel supporting Iraqi forces against ISIL. Efforts to recapture Ramadi from ISIL are ongoing.

Following an Iraqi government request, prompted by ISIL seizing the northern town of Sinjar, on 8 August 2014 the United States began airstrikes against ISIL forces "to prevent a potential act of genocide" against the minority Yazidi community, according to President Barack Obama. ISIL killed at least 500 Yazidis and abducted 1,500 women and girls. Since then a number of European and Middle Eastern countries, as well as Canada and Australia, have joined the United States-led military coalition against ISIL in Iraq, with some also participating in airstrikes against ISIL in Syria. By 25 August the coalition had conducted a total of 3,991 airstrikes in Iraq. On 25 September Iraq's Foreign Minister, Ibrahim al-Jaafari, said that he wanted the coalition to increase its attacks on ISIL and assist local ground forces.

Responding to sectarian terrorist attacks and the rise of ISIL, Shia militias have carried out violent reprisals against Sunni civilians. The ISF has also been accused of extrajudicial killings, illegal detention, torture and other violations of IHL and human rights law. After expelling ISIL from Tikrit during April, it was reported that the ISF and allied Shia militias summarily executed captured ISIL fighters and looted Sunni-owned property.

## ANALYSIS

ISIL poses an existential threat to ethnic and religious minorities, who face the risk of further mass atrocities. ISIL also poses a direct threat to members of the majority Shia community.

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. The government's violent response to a Sunni protest movement that started in December 2012 further aggravated these divisions. ISIL exploited widespread disaffection to build alliances with Sunni tribes and seize large swathes of territory and resources. Cultural identities and religious loyalties continue to be manipulated by various political forces in Iraq.

There are grave fears for the fate of civilians who continue to be trapped by fighting between ISIL and the ISF and allied Shia militias. Human rights violations are routinely perpetrated by the ISF, who often commit abuses in the name of counterterrorism.

Some Shia militias, mobilized by the government to fight ISIL, also pose a direct threat to Sunni civilians. Meanwhile ISIL has consistently failed to protect civilians in areas under its control and is committed to the eradication of all religious communities and minority cultures that do not conform to its strict interpretation of Islam.

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

### INTERNATIONAL RESPONSE

In addition to United States support to 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 2 August, one year after ISIL captured Sinjar, the UN Special Representative for Iraq, Ján Kubiš, called for "more forceful and coherent action on the protection of minorities," including "zero tolerance" for those committing crimes against humanity.

On 29 August the UNSC issued a Press Statement condemning the use of sexual violence in Syria and Iraq, recalling that such acts constitute war crimes.

### 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. While confronting ISIL and other armed groups, the government must protect civilians and address the underlying sources of conflict between Sunnis, Shias and Kurds in Iraq.

The government must actively prevent reprisals against Sunni civilians by the ISF and Shia militias. Displaced populations also require urgent humanitarian assistance.

Iraq's international supporters, especially the United States, must ensure that the ISF complies with its obligations under international human rights law. The Kurdistan Regional Government is also in need of international support to defend vulnerable populations from ongoing ISIL attacks.

All members of the international anti-ISIL coalition must abide by IHL and minimize civilian casualties.

### MORE INFORMATION

- » [UNAMI Website](#)
- » [Casualty Figures, UNAMI](#), 1 November 2015
- » [GCR2P Populations at Risk: Iraq](#)



21 million people in need of humanitarian assistance	5,200 people killed or injured by explosive weapons since 26 March
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## YEMEN

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

### BACKGROUND

The escalation of armed conflict, particularly in Taiz and Aden, leaves civilians in Yemen facing mass atrocity crimes. According to OCHA, ongoing violence between Houthi rebels and various pro-government forces, as well as months of sustained Saudi-led coalition airstrikes, resulted in over 5,200 people killed or injured by explosive weapons during the first seven months of this year, more than 85 percent of whom were civilians.

During 2014, amidst a UN-facilitated political transition process, the Houthis, a Shia militia from northeast Yemen, and military units loyal to former President Ali Abdullah Saleh, took control of the governorates of Saada, Hodeida, Dhamar, Amran and Sana'a. On 26 March Saudi Arabia and a coalition of nine other countries responded to a government request for regional military intervention. Growing violence and political pressure from the Houthis forced President Abed Rabbo Mansour Hadi to seek refuge in Riyadh. Despite recent military setbacks, and the 22 September return of President Hadi, Houthis and pro-Saleh forces still control much of Yemen, including the capital, Sana'a.

According to OCHA, the majority of the violence has taken place in cities and populated areas, with civilians comprising 95 percent of the casualties in these areas. There are more than 1.3 million IDPs in Yemen and an estimated 21 million people,

over 80 percent of the population, are in urgent need of humanitarian assistance. A blockade of the Gulf of Aden and coalition airstrikes have adversely affected the distribution of crucial aid to central and northern Yemen, which UN Special Rapporteur Hilal Elver has said "may constitute a war crime."

The Houthis, meanwhile, have been accused of indiscriminately shelling civilian areas. Houthi and government-allied forces have both targeted civilian infrastructure and international humanitarian workers. On 28 September coalition airstrikes reportedly struck a wedding party in Mokha, killing as many as 135 people. On 26 October airstrikes hit a hospital supported by Médecins Sans Frontières in Saada, destroying the only such facility in the area. The UN Secretary-General called for a "prompt, effective and impartial investigation in order to ensure accountability for the attack." Coalition airstrikes have reportedly included banned cluster munitions.

The UN, Gulf Cooperation Council (GCC) and United States have attempted to broker talks between the warring parties. On 6 October Houthi representatives pledged to adhere to a UN-brokered peace plan and implement UNSC Resolution 2216. The UN Special Envoy to Yemen, Ismail Ould Cheikh Ahmed, will convene peace talks by mid-November in Geneva, which both parties are expected to attend. Despite three attempted "humanitarian pauses," widespread armed conflict continues.

Other armed groups are also taking advantage of the current instability to perpetrate violence against civilians. Since March ISIL has claimed responsibility for a series of attacks on Shia mosques and detonated car bombs throughout Sana'a. Suicide bombers attacked a Sana'a mosque on 24 September, killing more than 25 civilians.

## ANALYSIS

All sides of the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to possible war crimes and crimes against humanity.

The country also risks becoming another proxy battlefield between Saudi Arabia and Iran. While Saudi Arabia remains the main force behind the regional military coalition, Iran has allegedly provided military assistance to the Houthis. On 30 September coalition forces announced the capture of an Iranian boat transporting weapons near the southeast coast of Oman. Additionally, the role of Sudan and Egypt in the regional military coalition is disturbing given their past history of committing possible war crimes and/or crimes against humanity in their own countries.

Fighting between Houthi rebels and pro-government forces threatens to further fracture Yemeni society along tribal and sectarian lines. Terrorist groups such as Al-Qaida in the Arabian Peninsula and ISIL are trying to exploit tensions between Shia and Sunni populations to increase their influence.

Ongoing fighting and attempts to subvert the political transition are in violation of UNSC resolutions and the UN-brokered peace process.

The Yemeni government is unable to uphold its Responsibility to Protect and requires international support.

## INTERNATIONAL RESPONSE

In 2011 the UNSC adopted Resolution 2014, which condemned human rights violations by the government of former President Ali Abdullah 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 and has extended the mandate of the Panel of Experts on Yemen until 25 March 2016. On 15 February the UNSC unanimously adopted Resolution 2201, condemning the armed takeover of the capital and demanding the Houthis withdraw.

On 14 April the UNSC passed Resolution 2216 establishing an arms embargo against Houthi leaders and some supporters of former President Saleh, and demanding full implementation of previous resolutions. The EU imposed sanctions against parties to the conflict on 7 June, including the former President's son, Ahmed Ali Abdullah Saleh, and Houthi leader Abdulmalik Al-Houthi.

The UNSC issued Press Statements on 4 and 24 September condemning mosque attacks in Sana'a and urging all parties to facilitate the delivery of humanitarian aid to all parts of Yemen.

## NECESSARY ACTION

The distinction between military and civilian targets is central to IHL and must be adhered to. All parties to the conflict must uphold their Responsibility to Protect vulnerable populations regardless of their tribal, religious or political affiliations.

All parties to the conflict must respect agreed "humanitarian pauses" in order to ensure 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 Resolutions 2201 and 2216 are fully implemented and that Yemen returns to the previously agreed political transition process. All perpetrators of sectarian attacks and potential war crimes in Yemen should be held accountable for their actions.

The UN Human Rights Council should establish an international commission of inquiry to investigate serious violations of IHL and international human rights law in Yemen.

## MORE INFORMATION

- » [UNSC Resolution S/RES/2204](#), 24 February 2015
- » [UNSC Resolution S/RES/2216](#), 14 April 2015
- » [GCR2P Populations at Risk Page: Yemen](#)



2.5 million IDPs in  
Darfur

1.2 Million IDPs in South  
Kordofan and Blue Nile

## SUDAN

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

### BACKGROUND

More than three years since the UNSC adopted Resolution 2046, calling for a negotiated settlement to the conflicts in South Kordofan and Blue Nile, the Sudanese Armed Forces (SAF) and armed rebels of the Sudan People's Liberation Movement-North (SPLM-N) continue to engage in hostilities and directly threaten vulnerable civilians. The government continues to prohibit access to South Kordofan and Blue Nile and is systematically preventing aid from reaching populations at risk of starvation. Since June 2011 the conflict has led to the internal displacement of over 1.2 million people, while more than 246,500 have fled to South Sudan and Ethiopia.

The SAF has committed war crimes, including extrajudicial killing, 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 at least 26 health facilities since 2011. The SPLM-N has also perpetrated war crimes, including indiscriminate attacks on civilian-populated areas, alleged recruitment of children and attacks on UN personnel.

The SAF has recently intensified its attacks in both South Kordofan and Blue Nile. This included the reported shelling and aerial bombardment of civilian areas at least 44 times during September and the deliberate targeting of populations in the South Kordofan counties of Dalami, Umdorein and Dilling. The SAF has also reportedly dropped illegal cluster munitions on civilian areas in Kauda, South Kordofan. The SPLM-N claimed to have repelled a major SAF offensive around the strategic area of Jebel Kolgo, Blue Nile, on 30 October.

Sudan has consistently failed to honor African Union (AU)-brokered agreements and UNSC resolutions calling for a cessation of hostilities. This includes the failure to end aerial bombardments, disarm pro-government militias and allow humanitarian access to conflict areas. The most recent talks between the government and the SPLM-N were held a year ago under the auspices of the AU High Level Implementation Panel (AUHIP) for Sudan. Despite both parties endorsing an AUHIP-proposed draft framework agreement to resolve the conflict, fighting continued. The AUHIP is scheduled to meet in Addis Ababa from 18 to 19 November to again discuss a cessation of hostilities in South Kordofan and Blue Nile.

The situation in Darfur also remains dire as civilians face 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. Meanwhile, fighting between the SAF and rebel groups contributed to the displacement of more than 450,000 people during 2014 and an additional 104,000 so far this year. A total of 2.5 million people are now displaced in Darfur.

On 21 August OHCHR issued a report on the situation in Darfur, revealing that 411 recorded human rights violations affecting 980 individuals took place during 2014. It also noted that the ability of the AU-UN hybrid peacekeeping force in Darfur (UNAMID) to carry out human rights monitoring was hindered by the government's "denial of access to sites and victims of human rights violations and abuses and serious violations of IHL, as well as denial of access by armed opposition movements to areas they control." The UN Secretary-General has condemned the increase in attacks on UNAMID personnel, which include the killing of a UN peacekeeper on 27 September, and called upon the government to respect the status-of-forces agreement.

On 30 September the Justice and Equality Movement, a Darfuri rebel group, announced it would end the recruitment and use of child soldiers.

### ANALYSIS

The government has a history of perpetrating atrocities in Darfur and during its civil war with the south. It has consistently defied external pressure to halt mass atrocity crimes. Such crimes are currently being committed 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 four years.

Both parties have reportedly started mobilizing forces and amassing weapons ahead of the dry season. Possible intensified ground offensives and aerial bombardments will leave civilians at heightened risk of further mass atrocities.

The UNSC and AU have failed to push the government and SPLM-N to honor past agreements on the cessation of hostilities and delivery of humanitarian assistance. Indiscriminate bombings of rebel-held areas by the SAF demonstrate an unwillingness to distinguish between

combatants and civilians, actions that violate IHL and may amount to crimes against humanity.

Despite the presence of UNAMID, civilians have not been afforded adequate protection in Darfur. Ongoing inter-communal violence and SAF operations contribute to the risk of further mass atrocity crimes. Attacks on UN peacekeepers also constitute war crimes.

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 60 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. [See also, [GCR2P's Timeline of International Response to the Situation in South Kordofan and Blue Nile States.](#)]

Members of the current government, including President Omar al-Bashir, the Defence Minister, Abdel Raheem Muhammad Hussein, and the current governor of North Kordofan, Ahmad Haroun, were indicted by the ICC in 2007 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 northern Darfur.

On 12 December 2014 the Chief Prosecutor of the ICC suspended the Court's Darfur investigation due to the failure of the UNSC to meaningfully assist in the arrest of indicted suspects. In her briefing to the UNSC on 29 June 2015, the Chief Prosecutor stated that "innocent civilians continue to bear the brunt of insecurity and instability, in particular as a result of what appears to be an ongoing government campaign to target them." She called upon the UNSC to ensure that Sudan cooperates with the ICC.

On 29 June the UNSC unanimously adopted Resolution 2228, which extended UNAMID's mandate until 30 June 2016. 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."

## NECESSARY ACTION

After more than 10 years and 60 resolutions it is time for the UNSC to review its 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 UNSC and AU must ensure the government and SPLM-N facilitate the delivery of humanitarian assistance, as stipulated in the 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 government and SPLM-N, in accordance with UNSC Resolution 2046, must cease armed hostilities and address the underlying causes of the conflict. The government must stop obstructing UNAMID and allow them to uphold their mandate, including investigating gross human rights violations. Mediation efforts should be facilitated between the government and armed groups operating in Darfur.

## MORE INFORMATION

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Resolution S/RES/2228](#), 29 June 2015
- » [GCR2P Populations at Risk: Sudan](#)



2.5 million IDPs

3,500+ civilians  
killed in 2015

## LAKE CHAD BASIN (BOKO HARAM)

*The extremist Islamist group Boko Haram poses an ongoing threat to populations in Nigeria, Cameroon, Chad and Niger, where it continues to commit mass atrocity crimes.*

## BACKGROUND

Attacks by Boko Haram against civilians have intensified in Nigeria and neighboring countries since President Muhammadu Buhari's inauguration on 29 May. According to Amnesty International, at least 1,600 civilians were killed by Boko Haram in Nigeria, Cameroon, Chad and Niger between June and September, bringing the death toll to more than 3,500



civilians this year. Over 10,000 people were reportedly killed in Boko Haram-related violence during 2014. At least 2,000 women and girls were also kidnapped by Boko Haram between 2014 and early 2015.

According to OCHA, there are now 2.5 million IDPs in Nigeria, Cameroon, Chad and Niger. In addition, Cameroon, Chad and Niger host more than 164,000 Nigerian refugees. Most affected areas remain unsafe for the return of refugees and IDPs. An estimated 4.6 million people are food insecure in Nigeria's northeast.

A military offensive against Boko Haram was initiated in early 2015 by a coalition of troops from Nigeria, Cameroon, Chad and Niger. Despite the offensive, cross-border attacks increased, with the Diffa region of Niger experiencing at least 57 attacks since February. On 28 October 14 civilians were killed in the village of Ala in the Diffa region. Boko Haram attacked a market and a refugee camp in Baga Sola, western Chad, on 10 October and the village of Kangaleri, in northern Cameroon, on 11 October, killing at least 50 people. An estimated 170 people were also killed by Boko Haram in Nigeria during October. The government of Chad declared a state of emergency in the Lake Chad region on 9 November.

Nigerian security forces have previously failed to provide sufficient protection from Boko Haram and there have been extensive reports of soldiers deserting during attacks. On 3 June Amnesty International reported that more than 7,000 men and boys suspected of affiliation with Boko Haram died in military detention and that 1,200 had been extrajudicially executed since 2011. On 19 June the Nigerian military announced it would investigate these allegations. Civilian vigilante groups formed in response to Boko Haram have also been implicated in human rights abuses.

## ANALYSIS

Although Boko Haram has been weakened by joint military operations, it continues to attack civilians in Nigeria, Cameroon, Chad and Niger. As cross-border attacks have become more common, Boko Haram has transformed into a regional security threat. While offensives earlier this year have reportedly driven Boko Haram out of many previously occupied territories, ongoing atrocities and the destruction of remote villages demonstrate the group's resilience and enduring threat.

Displacement and insecurity have increased unemployment and poverty within Nigeria, Africa's largest economy. Destroyed civilian infrastructure across the northeast and the threat of continued Boko Haram attacks makes the return of refugees and IDPs dangerous and severely limits humanitarian access to populations in need.

The governments of the Lake Chad Basin are struggling to uphold their Responsibility to Protect and need ongoing support from the international community.

## INTERNATIONAL RESPONSE

Nigeria is currently an elected member of the UNSC. On 19 January the UNSC issued a Presidential Statement condemning the escalation in Boko Haram attacks and reiterating "the primary responsibility of Member States to protect civilian populations on their territories."

On 29 January the AU Peace and Security Council (PSC) authorized deployment of the Multinational Joint Task Force (MNJTF), comprised of troops from Benin, Cameroon, Chad, Niger and Nigeria, for an initial period of 12 months. The mandate of the force includes "the protection of civilians under immediate threat" of attack from Boko Haram.

On 28 July the UNSC issued a Presidential Statement commending the efforts of Benin, Cameroon, Chad, Niger and Nigeria to operationalize the MNJTF and calling on member states to comply with international law as they combat Boko Haram. On 16 October the Commission of the AU and the Lake Chad Basin Commission signed a Memorandum of Understanding on the Operationalization and Sustenance of the MNJTF.

On 1 April the UN Human Rights Council adopted a consensus resolution requesting that the OHCHR "document human rights violations and atrocities committed by Boko Haram, with a view towards accountability." On 1 July the UN High Commissioner for Human Rights urged Nigeria to ease abortion restrictions for women and girls sexually abused by Boko Haram.

On 14 September France said it would provide intelligence and equipment to the MNJTF. On 24 September the United States announced it would supply \$45 million in defense services, including military training, to support Benin, Cameroon, Chad, Niger and Nigeria, in their efforts to defeat Boko Haram. On 12 October, at the invitation of the government of Cameroon, the United States deployed 90 troops to the country to provide "airborne intelligence, surveillance and reconnaissance." The force is expected to increase to 300.

## NECESSARY ACTION

Regional and international cooperation is crucial to defeating Boko Haram and holding perpetrators of mass atrocities accountable. The MNJTF should be fully operationalized as soon as possible. Governments involved in military operations against Boko Haram need to ensure they mitigate the risk to civilians and strictly adhere to IHL and international human rights law.

Families of Boko Haram members, as well as captives living in Boko Haram camps and child soldiers, need to be adequately protected and carefully reintegrated into society. There is an urgent need for the Nigerian government and humanitarian organizations to assist IDPs in host communities. The return of refugees and IDPs should be conducted on a strictly voluntary basis.

Captured Boko Haram leaders should be held accountable for crimes against humanity committed in areas under the group's command and control.

The UN, AU, Economic Community of West African States, and Economic Community of Central African States should urgently assist Lake Chad Basin governments in meeting humanitarian needs of affected communities and provide technical and military expertise to help combat Boko Haram.

With international support, the Nigerian government needs to urgently undertake security sector reform to ensure that the army and police are trained to protect civilians and prevent mass atrocities while respecting human rights. The government should conduct thorough investigations into all abuses, including alleged extrajudicial killings committed by the military.

## MORE INFORMATION

- » [UNSC, Press Release, SC/12075-APR/3242](#), 12 October 2015
- » ["When We Can't See the Enemy, Civilians Become the Enemy." Living through Nigeria's Six-Year Insurgency](#), Center for Civilians in Conflict, 7 October 2015
- » [Nigeria: West and Central Africa: Humanitarian Bulletin](#), OCHA, September 2015
- » [GCR2P Populations at Risk: Nigeria](#)



139,000 people remain displaced by ethnic violence in Arakan/Rakhine state

## BURMA/MYANMAR

*Stateless Rohingya in Burma/Myanmar face systematic persecution that poses an existential threat to their community.*

### BACKGROUND

Despite the historic 8 November democratic elections, discriminatory state policies and systematic persecution in Burma/Myanmar threaten the ongoing existence of the Rohingya, a distinct Muslim ethnic minority group. Rohingyas were largely disenfranchised in advance of the election and continue to be denied citizenship and other fundamental human rights by the government. Many Rohingyas in Arakan/Rakhine state also continue to be restricted to IDP camps and face the ongoing threat of violence at the hands of Buddhist extremists who reject their right to exist in Burma/Myanmar.

On 29 September 2014 at the UN General Assembly, the government announced the "Rakhine Action Plan," requiring Rohingyas to accept ethnic reclassification as "Bengali" in order to obtain citizenship or be forced into detention camps. On 31 March 2015 the government invalidated the identification cards held by many Rohingyas, forcing them to apply for citizenship as "Bengalis," suggesting their illegal migration to Burma/Myanmar from Bangladesh. This follows the government denying Rohingyas the ability to self-identify on the national census of March 2014, the first since 1983. On 31 August Burma/Myanmar's President Thein Sein signed into law the last of four Protection of Race and Religion Bills. These discriminatory laws place harsh restrictions on women and non-Buddhists, including on fundamental religious freedoms, as well as reproductive and marital rights.

The former UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, has said that previous violence against the Rohingya could amount to crimes against humanity and warned on 30 May 2014 that the government's failure to address the human rights situation in Arakan/Rakhine state "will ultimately mean the extermination of the Rohingyas."

The negative impact of deteriorating living conditions, combined with ongoing persecution by the government and some Buddhist chauvinist groups, has led tens of thousands of Rohingyas to flee to neighboring countries, where they are often subject to further abuse, human trafficking and refoulement. UNHCR reported that at least 31,000 people fled during the first half of 2015, over 1,100 of whom died from the voyage or mistreatment. During May mass graves containing the bodies of Rohingyas were discovered at human trafficking camps in Thailand and Malaysia.

An estimated 139,000 people, mostly Rohingyas, remain segregated in IDP camps due to inter-communal violence and attacks against the minority Muslim community that occurred between June and October 2012, when clashes in Arakan/Rakhine state killed nearly 200 people. The government continues restrict the IDPs' movement and block access to food, water, healthcare and other vital humanitarian assistance.

The country's military forces (Tatmadaw), which have previously perpetrated atrocities against several ethnic minority groups, also pose an ongoing threat. While the government signed a ceasefire agreement on 15 October with eight armed ethnic groups, conflict between the Tatmadaw and several other groups continues, including in Kachin state.

### ANALYSIS

The government's refusal to grant the Rohingya access to citizenship or end discriminatory state policies, as well as its failure to restrict hate speech, encourages ongoing violations of their fundamental human rights and reinforces the dangerous perception of the Rohingya as ethnic outsiders. Recent government initiatives, including the Protection of Race and Religion Bills, appear to be intended to eradicate the Rohingya's legal right to exist as a distinct ethno-religious group and threatens the continued existence of the Rohingya community.

The 8 November elections have legitimized a government that denies the Rohingya their fundamental human rights. As a result of the government curtailing their voting rights and barring many Muslim candidates, Rohingyas have also lost political representation in Arakan/Rakhine state. Disenfranchisement, combined with years of persecution, exclusion and poverty, is causing unprecedented numbers of Rohingyas to flee from Burma/Myanmar, despite the refusal of several countries in the region to offer asylum.

The country's constitution still exempts the Tatmadaw from prosecution for any act carried out "in the execution of their respective duties." With a pervasive culture of impunity, the military has not been held accountable for previous mass atrocity crimes. On 25 June the military-dominated parliament defeated a bill that would have abolished the Tatmadaw's veto power over constitutional amendments.

The government of Burma/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 Burma/Myanmar and the international community, including the lifting of sanctions by a number of countries. [For responses prior to July 2015, see [GCR2P's Timeline of International Response to the Situation of the Rohingya and Anti-Muslim Violence in Burma/Myanmar](#).]

The UN Human Rights Council adopted a resolution on 1 July, condemning systematic violations of human rights committed against Rohingyas and urging the government of Burma/Myanmar to grant the Rohingya citizenship and end growing prejudice against Muslims.

On 16 October the Association of Southeast Asian Nations (ASEAN) Parliamentarians for Human Rights released a report warning that the region risks another major refugee crisis as a result of the persecution of the Rohingya and urged the Burma/Myanmar government and ASEAN states to address the situation.

On 4 November the UN Special Advisers on the Prevention of Genocide and R2P released a statement expressing concern that the electoral process has resulted in "further marginalization of religious minorities," highlighting "decades of institutionalized discrimination in law, policies and practice" against Rohingyas.

## NECESSARY ACTION

The incumbent and newly-elected government of Burma/Myanmar must uphold their Responsibility to Protect all populations, regardless of their ethnicity or religion. The incoming government should abolish the Rakhine Action Plan and end institutionalized discrimination against the Rohingya, including the denial of citizenship. It must hold accountable all those who commit abuses, including inciting ethnic and religious intolerance and violence.

In Arakan/Rakhine state the government must facilitate the safe, voluntary return of IDPs to their communities. Neighboring countries should offer protection and assistance to Rohingya asylum seekers.

The international community must urge the new government to develop a comprehensive reconciliation plan, demonstrably improve the welfare of ethnic and religious minorities, and end discriminatory practices that pose an existential threat to the Rohingya community.

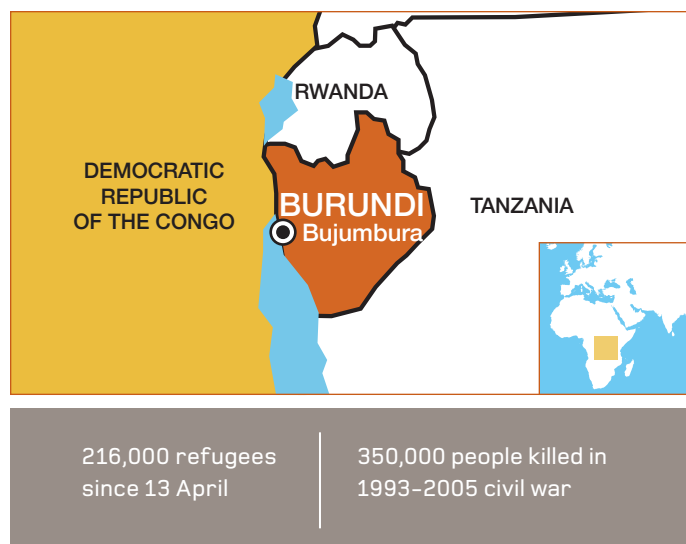
A central component of the government's reform process must include constitutional reform that addresses the needs of ethnic minorities, as well as the development of an independent judiciary as a means of safeguarding human rights and tackling the culture of impunity regarding past mass atrocity crimes.

## MORE INFORMATION

- » [HRC Resolution, A/HRC/RES/29/21](#), 1 July 2015
- » [Statement by the UN Special Advisers](#), 4 November 2015
- » [GCR2P Populations at Risk: Burma/Myanmar](#)

## 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.



## BURUNDI

*Civilians in Burundi face an imminent risk of mass atrocity crimes as growing political violence threatens to further destabilize the country.*

### BACKGROUND

There is an imminent risk of mass atrocity crimes in Burundi as a result of targeted killings, incendiary speech and a growing number of armed clashes between the security forces and opposition elements.

Since 26 April at least 240 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. At least 63 people have been killed, including in a number of targeted assassinations, since October.

The UN High Commissioner for Human Rights has raised concern over a systematic policy of targeting members of the opposition, journalists and human rights defenders. On 9 October the son-in-law of Pierre-Claver Mbonimpa, a prominent human rights activist, was assassinated. On 6 November Mbonimpa's son was also assassinated in Bujumbura. Mbonimpa himself survived an assassination attempt on 3 August. On 11 September seven people were killed in a failed assassination attempt against General Prime Niyongabo, the chief of staff of the Burundian army.

The attempt against General Niyongabo followed the 15 August assassination of Colonel Jean Bikomagu, the head of the Burundian army during the civil war, and the 2 August

assassination of General Adolphe Nshimirimana, a close aide of President Nkurunziza. Opposition politicians, human rights defenders and journalists have also been subjected to arrest and torture, and independent media outlets have been destroyed or shut down.

On 13 October at least 13 people were killed during a police operation in the Ngagara neighborhood of Bujumbura. On 2 November President Nkurunziza issued an ultimatum to all citizens to disarm within five days or face action by Burundian security forces as "enemies of the nation." On 5 November four people were killed in clashes between police and opposition elements in Bujumbura. At least 10 people were killed in an attack on a bar in Bujumbura on 7 November, after the expiry of the disarmament deadline.

There are ongoing reports of hate speech and incitement to violence by members of the government and some opposition protesters. On 29 October the President of the Burundian Senate, Révérien Ndikuriyo, allegedly urged local officials and ordinary citizens to identify opposition members and threatened that security forces may "go to work" to exterminate them.

UNHCR reported that over 216,000 Burundians, including a number of high-ranking government officials, have fled the country since April, with a surge of refugees following the failed 13 May coup and another wave of refugees leaving in advance of the expiry of President Nkurunziza's ultimatum on the weekend of 7 to 8 November. Refugees have reported harassment, enforced disappearances and murder, including by the Imbonerakure, the CNDD–FDD's paramilitary youth movement.

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 and led to the displacement of more than one million civilians between 1993 and 2005.

President Nkurunziza won the presidential election with 69.4 percent of the vote. On 27 July the UN electoral monitoring mission in Burundi concluded that the elections were not conducted in a free and credible manner.

### ANALYSIS

Despite a sustained period of stability since the end of the civil war in 2005, recurring political and ethnic conflict have previously caused mass atrocities in Burundi. While the current conflict is primarily political in nature, there is a risk that widening conflict could reignite pre-existing cleavages.

Tensions between the army, traditionally dominated by the ethnic Tutsi minority, and ethnic Hutu political organizations have also been a perennial source of conflict in the past. There is a growing risk that the army, which has been a source of stability since the end of the civil war, is fracturing as a result of ongoing conflict.

The Burundian government must take urgent action to uphold its primary Responsibility to Protect and consolidate peacebuilding gains made since the Arusha Peace Agreement.

## INTERNATIONAL RESPONSE

On 6 July the East African Community appointed Ugandan President Yoweri Museveni to facilitate dialogue in Burundi. On 23 July the AU deployed ten human rights monitors and ten military observers to the country.

On 17 October the AU PSC called for an increase in the number of AU human rights monitors and military experts to 100 personnel and expressed its willingness to impose sanctions against individuals responsible for violence in Burundi.

On 28 October the UNSC issued a Presidential Statement on the deteriorating situation in Burundi. On 5 and 6 November the United States, United Kingdom, Germany and France condemned reports of incitement to violence by government officials. On 6 November the UN Secretary-General condemned the ongoing violence in Burundi.

The Chief Prosecutor of the ICC, Fatou Bensouda, stated on 6 November she was prepared to take further action should any conduct in Burundi amount to crimes under ICC jurisdiction.

On 9 November the UN Secretary-General reminded Burundian authorities of their responsibility to protect civilians. The Secretary-General also appointed Jamal Benomar as his Special Adviser on Conflict Prevention, including on Burundi.

The UNSC held an urgent meeting on Burundi on 9 November, during which the UN Special Adviser on the Prevention of Genocide stated that the "international community has a responsibility to protect Burundians." On 12 November the UNSC passed Resolution 2248, warning of possible further measures against those perpetuating violence in the country and calling for the Secretary-General to report in 15 days on options for an enhanced UN presence.

## NECESSARY ACTION

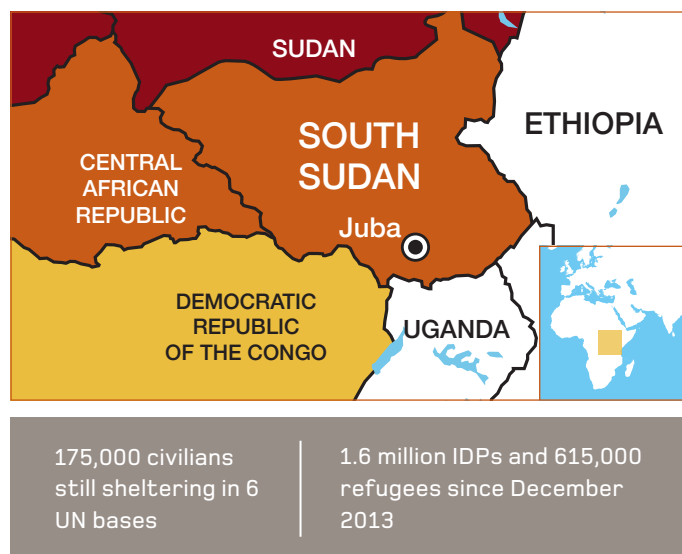
Immediate steps must be taken by the government and opposition to de-escalate tensions and avoid any further militarization of the current political conflict. Security forces must exercise maximum restraint. Allegations of violations and human rights abuses by all parties should be subject to thorough and independent investigation and prosecution.

All individuals must refrain from using inflammatory language or inciting violence. The use of such language should be immediately and publicly condemned by the government.

The UN and AU should enhance their presence in Burundi to support mediation and monitor and report on human rights violations. The AU PSC, UNSC and individual states should immediately impose sanctions on any individuals deemed responsible for inciting violence or breaching the Arusha Peace Agreement.

## MORE INFORMATION

- » [MENUB Website](#)
- » [UNSC Presidential Statement, S/PRST/2015/18](#), 28 October 2015
- » [UNSC Resolution 2248, S/RES/2248](#), 12 November 2015
- » [GCR2P Populations at Risk: Burundi](#)



## SOUTH SUDAN

*Despite a recent peace deal, civilians in South Sudan remain at imminent risk of mass atrocity crimes.*

### BACKGROUND

Heavy fighting continues to be reported between the Sudan People's Liberation Army (SPLA) and opposition forces in Unity and Upper Nile states despite the signing of a peace agreement in August. Armed hostilities were reported in Leer, Unity state, between 4 and 22 October, which left over 80 civilians dead, including at least 57 children. The International Committee of the Red Cross was also forced to halt operations in Leer because of intense fighting. On 30 October Médecins Sans Frontières stated it was receiving daily reports of "extortions, abductions, mass rapes, and killings," as well as villages burnt to the ground and crops looted and destroyed."

This comes after President Salva Kiir and Riek Machar, leader of the main rebel group, agreed in August to end the country's two-year civil war by signing the "Agreement on the Resolution of the Conflict in the Republic of South Sudan." The power-sharing agreement calls for a permanent ceasefire as well as the establishment of an independent judicial body, the Hybrid Court for South Sudan (HCSS), to investigate mass atrocities committed during the conflict. On 2 October President Kiir

announced plans to divide the country's existing 10 states into 28 new states, thereby complicating the agreed-upon power-sharing formula. The former President of Botswana, Festus Gontebanya Mogae, was appointed on 19 October to chair the Joint Monitoring and Evaluation Commission, which will track implementation of the peace agreement. Following negotiations from 21 October to 3 November, both parties agreed on security arrangements during the transitional period.

The civil war was the result of a conflict that started on 15 December 2013 between soldiers from rival SPLA factions. Fighting began after President Kiir accused Machar, the former Vice President who was removed from office during July 2013, of an attempted coup. The worst fighting has been between ethnic Dinka and Nuer soldiers loyal to Kiir and Machar, respectively. At least two-dozen armed militias loosely aligned with either side have also been operating in South Sudan, including the powerful Nuer White Army. Since August some rebel commanders have split from Machar and are not part of the peace agreement.

Tens of thousands of people were killed during the civil war and over 175,000 people are still taking refuge in six UN Mission in South Sudan (UNMISS) bases across the country. According to UNHCR the conflict has resulted in 1.6 million IDPs and 615,000 refugees in neighboring countries.

The recent peace deal is the latest in a civil war characterized by repeated failed agreements, including the 23 January 2014 Cessation of Hostilities (COH), which both sides violated almost immediately after it was signed. The current peace agreement was proposed on 24 July by the Intergovernmental Authority on Development (IGAD)-PLUS, an expanded mediation group which includes the AU, UN, EU, China, United States, United Kingdom, Norway and the IGAD Partners Forum. The plan also calls upon all foreign forces, including Uganda, which has militarily intervened in support of the government, to withdraw their troops from South Sudan.

Parties to the conflict have engaged in widespread extrajudicial killings, torture, child abductions and sexual violence and have, according to the UN, targeted civilians as part of their military tactics. UNMISS has reported that some children have been subjected to castration, throat-slitting and being burned alive while the UN International Children's Emergency Fund estimates that more than 13,000 children have been forcibly recruited since the start of the conflict. Following a trip to South Sudan, the Head of Operations at OCHA stated on 29 October that more than 1,300 women and girls had been raped and thousands of children recruited since May in Unity state alone.

During March 2014 the AU established a Commission of Inquiry to investigate human rights violations committed since December 2013 and make recommendations on appropriate accountability and reconciliation measures. The report was finally released on 27 October and concluded that widespread and systematic atrocities were committed against civilians in a coordinated manner and pursuant to a state policy. It also

noted that "indiscriminate killings of civilians as a war crime" were committed in Juba, Bor, Bentiu and Malakal.

## ANALYSIS

Ongoing fighting in several parts of South Sudan and the failure to uphold past ceasefires, reveals a lack of commitment to a political solution. While violence has not reached the same levels as before the August peace agreement, civilians remain at imminent risk of attack from government and rebel forces. The withdrawal of humanitarian organizations from Unity state reflects the fragile security situation. The defection of major rebel commanders, some of whom have previously perpetrated mass atrocities, also increases the risk to civilians.

Although both sides have committed human rights violations that amount to war crimes and crimes against humanity, neither the government nor armed opposition have consistently held perpetrators within their own ranks accountable for atrocities. A culture of impunity has fueled recurring cycles of violence in South Sudan.

South Sudan requires ongoing international assistance to uphold its Responsibility to Protect and ensure accountability for mass atrocity crimes. With ongoing resource deficits and a hostile operating environment, UNMISS is struggling to uphold its protective mandate.

## INTERNATIONAL RESPONSE

In order to support UNMISS' efforts to implement its protection of civilians mandate, the UNSC adopted Resolution 2132 on 24 December 2013, expeditiously enlarging UNMISS by an additional 5,500 troops and 440 police. [For responses prior to May 2015, see [GCR2P's Timeline of International Response to the Situation in South Sudan](#).]

On 3 March the UNSC adopted Resolution 2206, establishing a sanctions regime for South Sudan. On 1 July the Sanctions Committee approved the designation of six senior military figures, three from each side, for sanctions.

On 23 September the UN Human Rights Council requested the High Commissioner for Human Rights report on the human rights situation in South Sudan. An assessment team began deploying to South Sudan on 26 October.

On 6 October the United States, United Kingdom and Norway issued a joint statement urging President Kiir to delay plans to expand the number of states, noting that the announcement "directly contradicts the government of South Sudan's commitment to implement the peace agreement."

On 9 October the UNSC adopted Resolution 2241, which extended the mandate of UNMISS until 15 December 2015 and emphasized that the "Government of South Sudan bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including from potential crimes against humanity and war crimes."

On 2 November the SPLA announced that all Ugandan troops had been withdrawn from South Sudan.

### NECESSARY ACTION

After almost two years of civil war, the government and rebels must end armed hostilities and fully implement all provisions of the peace agreement. The UNSC and IGAD should immediately impose targeted sanctions against all political and military leaders deemed responsible for violating the agreement.

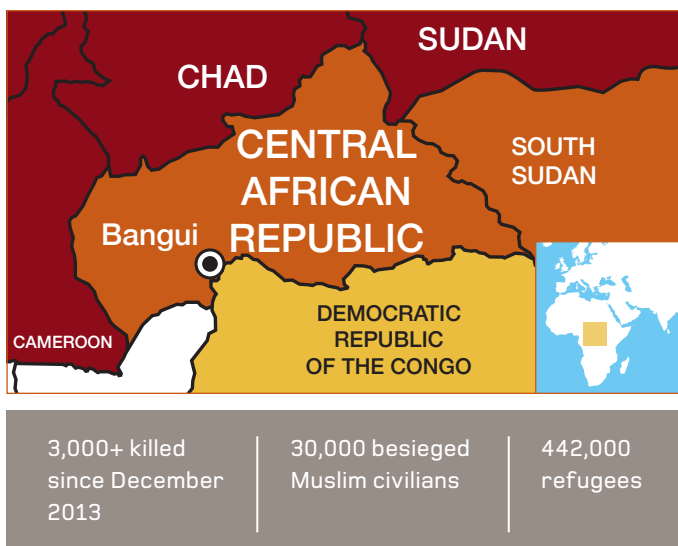
UNMISS must robustly implement its civilian protection mandate. The international community should continue to enhance UNMISS' capabilities through the provision of additional aviation assets, including tactical military helicopters and unarmed unmanned aerial systems. The government must ensure that UNMISS has the ability to move freely to all parts of the country without threats to its personnel.

The AU should expeditiously establish the HCSS, and ensure it has the resources necessary to investigate and prosecute individuals responsible for mass atrocities committed since December 2013. UNMISS' Human Rights Division must continue its investigations into violations of IHL and international human rights law and publish its findings.

The government must hold all perpetrators of atrocities accountable, regardless of affiliation or position, and initiate a comprehensive strategy aimed at ethnic and political reconciliation and strengthening the peace process.

### MORE INFORMATION:

- » [UNMISS Website](#)
- » ["Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile," UNMISS, 29 June 2015](#)
- » [UNSC Resolution 2223 S/RES/2241, 9 October 2015](#)
- » [GCR2P Populations at Risk: South Sudan](#)



## 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

Violence against civilians continues throughout the Central African Republic (CAR) despite disarmament agreements reached during the May 2015 Bangui National Forum and the presence of a UN peacekeeping operation (MINUSCA), French military forces and an EU military assistance mission (EUMAM-RCA).

The crisis in CAR began following the 24 March 2013 overthrow of President François Bozizé by the predominantly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian and animist "anti-balaka" militias. According to the International Commission of Inquiry (CAR-Col), both armed groups have committed war crimes and crimes against humanity.

Violence has increased in Bangui, the capital, since late September. At least 77 people were killed and over 400 wounded between 25 September and 2 October after the murder of a young Muslim man on 25 September led to violence between armed groups and civilian mobs. On 26 October a delegation from the ex-Séléka was attacked in Bangui by anti-balaka fighters, sparking violence that has resulted in at least 16 people killed.

The situation in the interior of the country also continues to be marked by insecurity and ongoing human rights violations. On 10 November at least 10 people were killed, including a MINUSCA peacekeeper, and over 700 shelters were burned during an attack by presumed ex-Séléka rebels on a site for internally displaced persons in Batangafo. Attacks against civilians, humanitarian workers and peacekeepers are ongoing in western prefectures, including along the Main Supply Route, which links CAR to Cameroon.

The Muslim population of CAR has been systematically targeted by "anti-balaka" militias. According to the UN there are still approximately 30,000 Muslim civilians trapped in seven besieged communities. These enclaves have been systematically encircled by the anti-balaka, subjected to periodic attack, and cut off from regular food and medical supplies.

The CAR-Col estimated that at least 80 percent of CAR's Muslim population had been driven out of the country by December 2014, and concluded that crimes committed by the anti-balaka constitute a "policy of ethnic cleansing" against CAR's Muslims.

There are currently more than 399,000 IDPs in CAR and over 442,000 refugees in neighboring countries. An estimated 2.7 million people remain in urgent need of humanitarian assistance. Only 31 percent of the humanitarian appeal for CAR has been funded for 2015, and OCHA has warned that essential activities risk being shut down. The transitional government, led by interim President Catherine Samba-Panza, is struggling to manage the ongoing crisis.

## ANALYSIS

After March 2013 the state effectively collapsed. More than two years later, national security forces remain unable to prevent 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. The scaling down of French military forces poses additional operational challenges for MINUSCA.

Hostilities between anti-balaka militias, factions of the Séléka, 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. Some armed groups continue to illegally exploit natural resources to fund their activities.

Representatives of various armed groups and political parties have contested the outcome of the Bangui National Forum. The fragmentation of the Séléka and anti-balaka will prove challenging for disarmament, demobilization and reintegration programs. Political elites continue to manipulate inter-communal tensions for personal gain. Sporadic attacks on civilians are conducted without fear of sanction and despite the establishment of the Special Criminal Court (SCC) on 22 April.

Holding elections without significant improvements in security, accountability and political dialogue will only increase the risk of further mass atrocity crimes.

CAR's Transitional Authorities are unable to uphold their Responsibility to Protect and require sustained international assistance.

## INTERNATIONAL RESPONSE

Following the deadly surge in violence during late 2013, the international community intensified its response to the crisis in CAR, including passing five UNSC resolutions between October 2013 and January 2015 that emphasized the interim government's responsibility to protect the civilian population. [For response prior to March 2015, see [GCR2P's Timeline of International Response to the Situation in CAR](#).]

On 28 April the UNSC passed Resolution 2217, which renewed MINUSCA's mandate for one year and recalled the primary responsibility of the CAR authorities to protect populations from mass atrocity crimes.

The UNSC imposed sanctions on 20 August against three individuals and one entity for violating the sanctions regime established by Resolution 2127 of 5 December 2013. On 28 September the UNSC condemned the violence in Bangui and reiterated its support for MINUSCA to assist the Transitional Authorities in upholding their primary responsibility to protect.

On 1 October a high-level event was held at the UN to generate funds for priority tasks, including elections and accountability. Luxembourg, Japan, United States and United Kingdom were the only countries to make pledges.

On 20 October the UNSC issued a Presidential Statement that condemned recent violence in CAR and called for the first round of elections to be held before the end of 2015.

## NECESSARY ACTION

UN and French forces must use all necessary means to protect civilians and forcibly disarm groups that threaten populations. MINUSCA must ensure it deploys in adequate numbers to all areas where vulnerable populations lack sufficient protection. The UN must facilitate the evacuation and relocation of all civilians who wish to leave besieged areas.

Urgent financial and logistical resources are needed to establish the SCC and ensure accountability for mass atrocity crimes. MINUSCA should prioritize the arrest of individuals responsible for atrocities and other serious human rights violations. MINUSCA should publicly report on the ongoing situation of human rights protection in CAR.

Elections should not be held before the end of 2015 unless significant improvements are made in accountability, political dialogue, reconciliation and protection of civilians.

## MORE INFORMATION

- » [MINUSCA Website](#)
- » [UNSC Resolution 2217 S/RES/2217](#), 28 April 2015
- » [UNSC Presidential Statement S/PRST/2015/17](#), 20 October 2015
- » [GCR2P Populations at Risk: Central African Republic](#)



**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.



2.9 million IDPs

400+ civilians killed by the ADF since October 2014

## DEMOCRATIC REPUBLIC OF THE CONGO

*Populations in the Democratic Republic of the Congo remain at serious risk of possible mass atrocity crimes perpetrated by armed groups.*

### BACKGROUND

Pervasive insecurity in the eastern Democratic Republic of the Congo (DRC) has allowed various armed groups to perpetrate mass atrocity crimes against civilians. Armed groups – such as the Democratic Forces for the Liberation of Rwanda (FDLR), the 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.

The government's armed forces (FARDC) have conducted offensives against armed groups in eastern DRC with assistance from the UN mission in the DRC (MONUSCO) and its force intervention brigade. Following the FDLR's failure to commit to a disarmament deadline, the FARDC launched offensive operations against them in February 2015. Although the FARDC has reportedly liberated several localities previously occupied by the group, the FDLR continues to threaten civilians. Mayi-Mayi militias, particularly the Raia Mutomboki, have also reportedly clashed with the FDLR as the group flees from the FARDC.

Violence committed by the more than 30 armed groups operating in the DRC, including sporadic killings and abductions, continue throughout the eastern regions of the country. Populations in Maniema, Katanga and North Kivu have been particularly affected by recent fighting. The FARDC and MONUSCO engaged

in military operations directed at the Ituri Patriotic Resistance Force (FRPI) following attacks on villages during May and peace talks with the group that failed during June.

The ADF has perpetrated regular attacks against villages in North Kivu since October 2014, massacring more than 350 civilians by December and perpetrating possible crimes against humanity. The ADF has killed more than 130 villagers since January and has reportedly attacked MONUSCO helicopters and convoys. After several months of relative calm the ADF attacked two villages in Beni during the first week of September and continued their sporadic attacks throughout October.

### ANALYSIS

While military measures are taken against the FDLR, ADF, FRPI and other armed groups, civilians remain at risk of reprisal violence. A country that is already home to 2.9 million IDPs may endure further displacement. The FARDC has also previously been implicated in attacks on civilians, including widespread sexual violence.

The weakness of government structures undermines attempts to prevent atrocities. This is particularly evident in the eastern DRC, where the government has previously lost control of areas to various rebel groups. While the government has undertaken important reforms, impunity for crimes committed against civilians remains rampant. The FARDC has often failed to hold its own members accountable for atrocities.

Despite the government and MONUSCO encouraging militias to participate in Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) programs prior to launching offensives against them, rebel groups continue to perpetrate abuses against populations in eastern DRC. Competition for control of minerals, as well as underlying conflict between communities that consider themselves indigenous and those with alleged Rwandan ancestry, has enabled the proliferation of armed groups, which will continue to emerge and threaten populations even after the eradication of the ADF and FDLR if these issues are not resolved.

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 armed conflict and mass atrocities.

### INTERNATIONAL RESPONSE

The international community has responded to violence in the eastern DRC by taking measures to confront various armed groups. [For responses prior to January 2015, see [GCR2P's](#)

### Timeline of International Response to the Situation in the DRC.]

On 29 January the UNSC extended the mandate of the Panel of Experts until August 2016, stressing the importance of accountability for mass atrocities. The UNSC subjects 9 entities and 31 individuals in the DRC to sanctions.

On 26 March the UNSC extended MONUSCO's mandate for an additional year, emphasizing that the 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."

On 15 September the ICC started hearing testimony in the trial of Bosco Ntaganda for war crimes and crimes against humanity perpetrated by the Patriotic Forces for the Liberation of Congo between 2002 and 2003 in Ituri. Ntaganda was also a former FARDC deputy commander and a senior leader within the March 23 (M23) movement.

On 9 November the UNSC issued a Presidential Statement calling for the total neutralization of armed groups in eastern DRC, particularly the ADF, FRPI and FDLR, and urging the resumption of joint operations between the FARDC and MONUSCO's force intervention brigade.

### NECESSARY ACTION

The DRC government and MONUSCO must ensure that the protection of civilians remains their primary priority as they address the ongoing threat posed by armed groups. The FARDC and MONUSCO must increase their capacity to respond to early warning of attacks by these 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 government should adopt legislation establishing specialized mixed chambers in the national judicial system and remove all FARDC members accused of serious human rights violations from leadership positions. Perpetrators of mass atrocities, including leaders of M23, ADF and FDLR, must be held accountable.

Together with the UN Special Envoy for the Great Lakes Region, the AU, International Conference for the Great Lakes Region and Southern African Development Community should ensure that all signatories to the Peace, Security and Cooperation Framework continue to fulfill their commitments.

### MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Resolution 2211 S/RES/2211](#), 26 March 2015
- » [GCR2P Populations at Risk: DRC](#)



Over 550,000 IDPs and 150,000 refugees displaced by ongoing violence

## LIBYA

*Civilians in Libya are at risk of war crimes as a result of fighting between various armed groups, including those allied to the country's two rival governments.*

### BACKGROUND

Armed conflict continues in Libya between groups affiliated with the internationally-recognized House of Representatives in Tobruk, the former transitional government based in Tripoli (the General National Congress (GNC)), and various other armed groups. While the conflict has been presented as a battle between secular, moderate forces and their extremist Islamist rivals, in reality it is dominated by shifting personal, tribal and regional enmities and alliances.

During May 2014 retired General Khalifa Haftar, who has since been named commander of the Libyan National Army by the House of Representatives, initiated a military campaign known as "Operation Dignity" against Islamist militias associated with the GNC in Benghazi and Tripoli. Fighting increased in the aftermath of June 2014 elections that replaced the GNC with the House of Representatives, with GNC-allied militias refusing to accept the new government. During July 2014, GNC-allied militias launched Operation "Libya Dawn" to counter Operation Dignity and secure political and military control of the country.

Various armed groups on both sides of the conflict have committed abductions, torture, unlawful killings and executions. The UN Support Mission in Libya (UNSMIL) has emphasized that such acts are war crimes and those responsible are criminally liable, including at the ICC. Rival armed groups continue to indiscriminately shell civilian areas. According to OCHA, an estimated 2.44 million Libyans are in need of protection and some form of humanitarian assistance.

Since September 2014 UNSMIL has facilitated dialogue between major parties to the conflict. On 5 October 2015 Libya's elected parliament voted to extend its mandate, due to expire

on 20 October. An alliance of 12 states and the EU issued a joint statement on 19 October urging both sides to accept a UN-proposed power-sharing agreement. The GNC and House of Representatives have both expressed opposition to the proposed deal.

On 23 October twelve people were killed when a political rally in Benghazi was shelled. UNSMIL condemned the attack, calling on all Libyans to "reject violence as a means to settle political differences."

In addition, ISIL currently controls the cities of Sirte, Nofilia and Ajdabiyah. Since 9 June clashes between ISIL and armed groups in Derna have taken place within populated areas. An uprising in Sirte against ISIL began in August, resulting in reprisal killings by the group. Libya Dawn forces have also attacked ISIL in Sirte and Nofilia while ongoing clashes continue between ISIL and various armed groups in Benghazi.

## ANALYSIS

Civilians remain at risk of war crimes due to indiscriminate shelling of population centers and a failure to distinguish between combatants and civilians. Armed groups on all sides continue to violate IHL and international human rights law. Civilians continue to face persecution, detention and extrajudicial killing on the basis of tribal affiliation and presumed political loyalties.

The government's lack of control over the country has allowed arms and foreign fighters to freely cross borders, further destabilizing Libya and the surrounding region. There is also evidence of competing regional powers providing arms and air support to either Operation Dignity or Libya Dawn, despite a UN-mandated arms embargo. ISIL's growing presence also poses a direct threat to vulnerable civilians, especially those from minority cultures and faiths.

Both rival governments are failing to adequately uphold their Responsibility to Protect.

## INTERNATIONAL RESPONSE

On 26 February 2011 the UNSC passed Resolution 1970, calling upon the former Libyan government to cease attacks on civilians and uphold its Responsibility to Protect. Resolution 1973 of 17 March 2011 called upon UN member states to take "all necessary measures" to protect civilians and led to an international military intervention. Following the end of Libya's 2011 civil war, international engagement to assist in rebuilding government institutions waned.

During June 2011 the ICC issued arrest warrants for Saif al-Islam al-Qaddafi and Abdullah al-Senussi, former head of military intelligence, for the alleged commission of crimes against humanity, but a disagreement over jurisdiction between Libya and the ICC ensued. On 28 July 2015 GNC-affiliated courts sentenced both men to death. UNSMIL and various human rights groups have criticized the trials as lacking credibility.

UNSMIL was established in September 2011, but has significantly reduced personnel inside Libya due to pervasive insecurity. On 10 September the UNSC extended UNSMIL's mandate until 15 March 2016, stating the mission should undertake human rights monitoring, support key Libyan institutions, enforce arms control and provide humanitarian assistance. On 7 November the UNSC issued a Press Statement urging all parties to endorse the UN-facilitated political agreement and "move swiftly towards forming a Government of National Accord."

## NECESSARY ACTION

All armed groups need to immediately cease targeting civilians and carrying out military operations in population centers. Regional powers need to act in accordance with the arms embargo reaffirmed under UNSC Resolution 2213. The UNSC should impose sanctions against those who subvert the peace negotiations.

All those responsible for mass atrocities during the 2011 civil war, as well as those responsible for violations of IHL committed during the current conflict, should be held accountable for their actions.

Breaking the culture of impunity, demobilizing and disarming armed groups, as well as establishing a national unity government and strengthening the rule of law, remain essential. UNSMIL and the international community should continue supporting all efforts aimed at securing a negotiated solution to the conflict and meeting these objectives.

## MORE INFORMATION

- » [UNSMIL Website](#)
- » [UNSC Resolution 2213 S/RES/2213](#), 27 March 2015
- » [UNSC Resolution 2238 S/RES/2238](#), 10 September 2015
- » [GCR2P Populations at Risk: Libya](#)

## ACCOUNTABILITY WATCH

### Democratic Republic of the Congo:

On 13 November the ICC announced the reduced sentence of Germain Katanga, who is now set to be released from ICC custody on 18 January 2016. During May 2013 Katanga was sentenced to 12 years imprisonment, including time already served, after the ICC found him guilty of being an accessory to one crime against humanity and four war crimes committed during a February 2003 attack on the village of Bogoro when he was a leader of the FRPI armed group.

### Lord's Resistance Army:

On 28 October the ICC decided that the confirmation of charges hearing in the case of Dominic Ongwen, a former commander of the Lord's Resistance Army (LRA), will be held at The Hague. Ongwen, a former child soldier and LRA abductee, faces three counts of crimes against humanity and four counts of war crimes.

### Guatemala:

On 5 October a Guatemalan appellate court ruled that a 1986 general amnesty did not apply to genocide and crimes against humanity. On 8 October an amnesty request from former President Efraín Ríos Montt, whose retrial for genocide committed during the country's civil war was due to re-open in January, was denied. However, the following week the court suspended the trial, declaring Ríos Montt mentally unfit to continue. The court's three-judge panel then decided to proceed to trial under special procedures that preclude formal penalty even if he is found guilty.



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