R2PMONITOR
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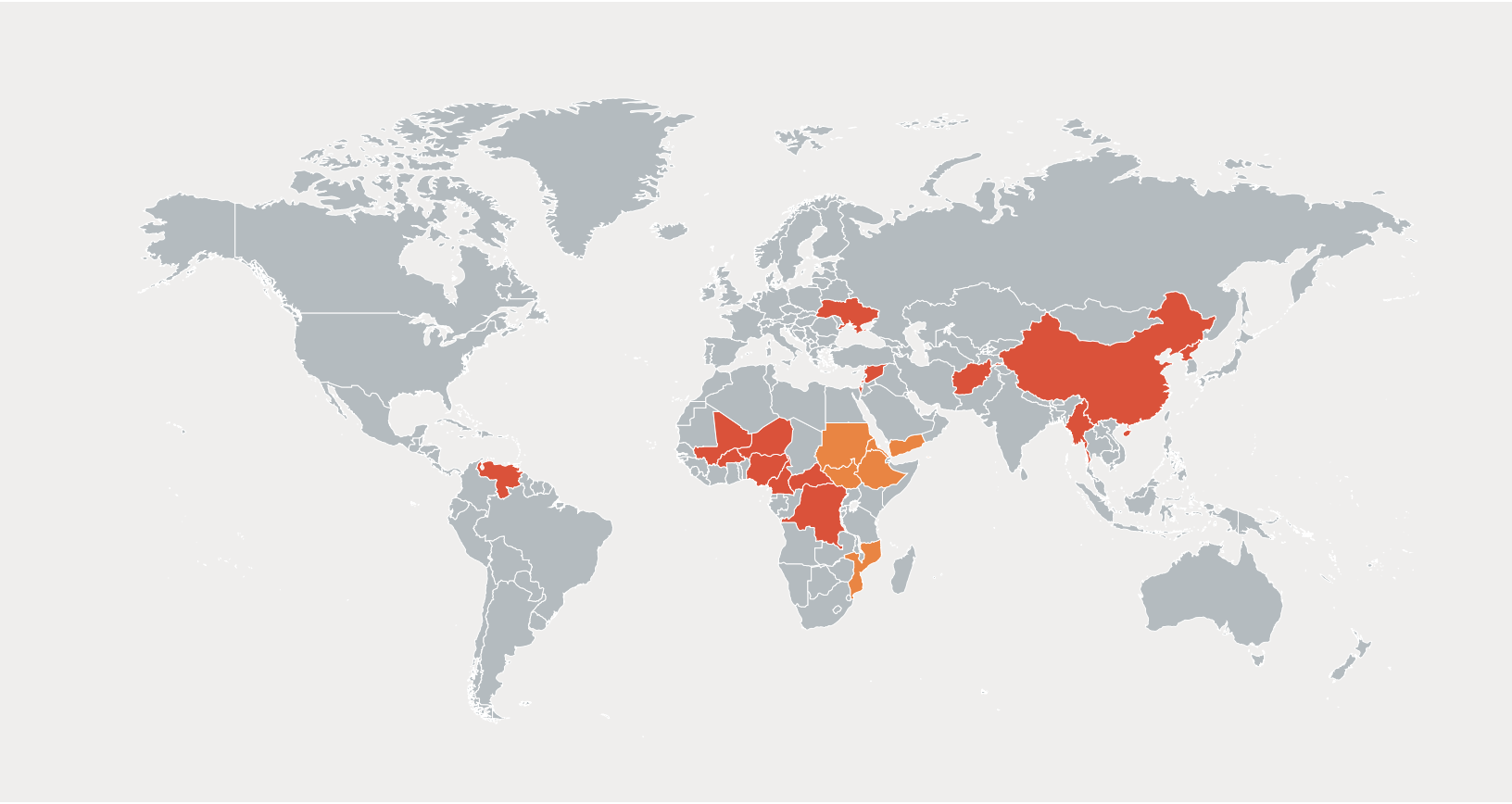
GLOBAL CENTRE
FOR THE RESPONSIBILITY
TO PROTECT



R2P Monitor applies an atrocity prevention lens to the following situations of concern:

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

The Responsibility to Protect is a global norm, unanimously adopted by heads of state and government at the 2005 UN World Summit, aimed at preventing and halting genocide, war crimes, ethnic cleansing and crimes against humanity.

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

CURRENT CRISIS	
Afghanistan	2
Cameroon	3
CAR	5
Central Sahel	7
China	9
DRC	11
IOPT	12
Myanmar	14
Nigeria	16
Syria	18
Ukraine	20
Venezuela	21

IMMINENT RISK	
Ethiopia	24
Mozambique	25
South Sudan	27
Sudan	28
Yemen	30

AFGHANISTAN

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

BACKGROUND

On 15 August 2021 Taliban forces entered Kabul, Afghanistan, effectively overthrowing the Afghan government. Since then, the Taliban and various armed groups, including the so-called Islamic State in Iraq and the Levant-Khorasan (ISIL-K), have committed widespread and systematic human rights violations throughout the country, including regularly perpetrating attacks that predominantly target ethnic and religious minorities. In addition, the Taliban de facto authorities have imposed severe restrictions on fundamental rights, including freedom of religion, as well as access to civic and public space, particularly for women and girls. The Taliban have enforced a sweeping series of decrees that severely restrict women's rights to fully participate in public and daily life, including restrictions on freedom of movement and expression, employment opportunities and access to education and healthcare. Women's rights activists and human rights defenders have faced killings, enforced disappearances, incommunicado detention, attacks and harassment.

The Human Rights Service of the UN Assistance Mission in Afghanistan (UNAMA) documented over 2,106 civilians killed or wounded in targeted attacks from 15 August 2021 to 15 June 2022, mostly by improvised explosive devices (IEDs) in attacks perpetrated by ISIL-K. Since then, over 460 people have been killed and injured in a series of bombings and mass casualty attacks, including those targeting Shia neighborhoods of Kabul. Many of these attacks were attributable to ISIL-K. UNAMA has also documented evidence of the Taliban de facto authorities committing a wide range of human rights violations – including extrajudicial killings, arbitrary arrests and detentions, incommunicado detention and torture and ill-treatment – against former government officials and armed forces, media workers and human rights defenders.

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

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

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

RECENT DEVELOPMENTS

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

The Special Rapporteur also reported in September 2022 that attacks against ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, likely amounting to crimes against humanity. These attacks are frequently claimed by ISIL-K and directly target

Hazara Shias, other Shia Muslims, Sufi Muslims, Sikhs and other minorities. Their places of worship, as well as educational and medical centers, have been systematically attacked, and their members have been arbitrarily arrested, tortured, summarily executed and forced to flee the country.

The mandate of the Special Rapporteur was created on 7 October 2021 by the UN Human Rights Council (HRC) and was renewed in October 2022. The HRC expanded the mandate to document and preserve information relating to human rights violations and abuses, as well as requested the Special Rapporteur and the Working Group on discrimination against women and girls to jointly prepare a report on the situation of women and girls in Afghanistan for its 53rd session.

ANALYSIS

Despite assurances from the Taliban, the risk of further war crimes and crimes against humanity persists. The Taliban de facto authorities have frequently targeted journalists, civil servants, human rights defenders and those affiliated with the former Afghan government with violations that appear to be perpetrated on a widespread and systematic basis. Impunity for past and ongoing violations has enabled crimes to continue.

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

Ethnic and religious minorities, particularly the Shia Hazara, continue to be systematically targeted by ISIL-K, indicating that the Taliban is likely unable or unwilling to protect vulnerable populations. Targeted attacks are largely unreported due to the Taliban's increasing crackdown on independent media.

RISK ASSESSMENT

- Record of serious violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL), as well as impunity for those crimes.
- Institutionalized large-scale and systematic gender-based discrimination by Taliban de facto authorities against women and girls, likely amounting to the crime against humanity of gender persecution.
- Widespread and systematic targeted attacks perpetrated by ISIL-K against ethnic and religious minorities.
- Lack of independent media and crackdown on civil society and human rights defenders.
- Weakness of state structures to provide adequate level of protection to vulnerable populations.

NECESSARY ACTION

As the de facto authorities, the Taliban are bound by all existing international human rights obligations codified in the treaties to which Afghanistan is a state party. They must uphold these obligations, including by halting all violations and abuses perpetrated by their officials and guaranteeing the equal protection and promotion of human rights of all people in Afghanistan, regardless of gender, ethnic background, religious belief or political affiliation.

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

The international community should continue to pursue justice for war crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. The UNSC should ensure that UNAMA's Human Rights Service is preserved in its mandate renewal in March 2023.

CAMEROON

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

BACKGROUND

In 2016 English-speaking lawyers, students and teachers in Cameroon began protesting their cultural marginalization by the Francophone-dominated government, leading to a violent crackdown by security forces. In October 2017 Anglophone separatists proclaimed independence and declared a new state

of "Ambazonia" in the north-west and south-west regions, an area predominantly inhabited by the country's Anglophone minority. Since then, armed separatists and Cameroonian security forces have clashed, resulting in widespread abuses against the civilian population by both sides to the conflict.

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

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

Separatists and government forces have perpetrated targeted attacks on health facilities and humanitarian workers, restricting the delivery of vital aid and forcing various international humanitarian organizations to suspend their operations. OCHA reported that health care providers in particular face heightened risk when accessing facilities or delivering services. According to OCHA, more than 2 million people are affected in the north-west and south-west regions and in need of humanitarian assistance. OCHA also estimates that at least 628,000 people have been internally displaced by violence in the two regions, while more than 87,000 have fled to Nigeria.

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

RECENT DEVELOPMENTS

On 2 January 2023 Cameroon's military deployed troops to Oku, Kumboo and Kakiri districts near the border of Nigeria in response to armed separatists allegedly sealing markets and threatening or abducting civilians who did not comply with their orders. Separatists have also carried out attacks on communities believed to be collaborating with the Cameroonian government to help locate their camps. Days after government forces destroyed a separatist camp, on 4 January combatants allegedly attacked a village in the Akwaya Subdivision in the south-west region, killing at least three civilians and injuring 10 others.

On 20 January the government of Canada announced it would facilitate peace negotiations. Shortly after, the government of Cameroon denied the announcement, claiming it had not asked any country to mediate. The announcement came four months after a Swiss-led mediation process, launched in 2019, ended following President Paul Biya's decision to suspend the government's participation. Since Canada's announcement, deadly hostilities have intensified between government forces and armed separatists.

ANALYSIS

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

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

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

The risk of atrocities will continue if the root causes of the conflict, including poor quality of government services, weak

governance and marginalization of parts of the population by a highly centralized state, remain unaddressed.

RISK ASSESSMENT

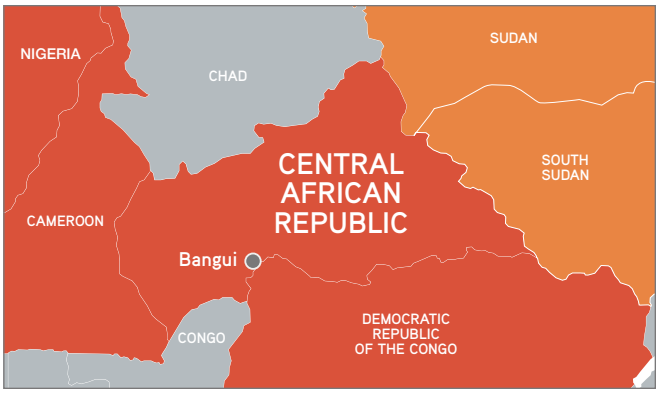
- Past or present serious discriminatory, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Political and social instability caused by disputes over power and growing armed opposition movements.
- Increased politicization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

NECESSARY ACTION

Security forces must end all extrajudicial killings of unarmed civilians and ensure that the human rights of all Cameroonians are equally protected, regardless of cultural identity. Security forces implicated in violations of IHL and IHRL should be investigated and held accountable. Armed separatist groups must also halt attacks on civilians and civilian infrastructure. Safe and unfettered humanitarian access must be restored and guaranteed.

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

Foreign governments and regional organizations should suspend all military assistance to Cameroon until its security forces have made demonstrable progress toward upholding the human rights of all Cameroonians. The African Union (AU) and Economic Community of Central African States should work with the government to prevent any further deterioration of the armed conflict. Efforts by the UN's Regional Office for Central Africa, including good offices, must prioritize finding a political solution to the violence and encourage inclusive dialogue. The UNSC should add Cameroon to its formal agenda.



CENTRAL AFRICAN REPUBLIC

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

BACKGROUND

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

During this time, some armed groups have increased their activity in areas where government forces are less present in attempts to control localities linked to mining sites. In outlying villages and remote areas across the country various, armed groups have carried out widespread and serious abuses of IHL and human rights, which has contributed to forced displacement. In 2022 there was a marked increase in the presence of explosive ordnance reportedly placed by armed groups in the west. OHCHR has also reported that two CPC-affiliated armed groups, the Union pour la Paix en Centrafrique (UPC) and the Front Populaire pour la Renaissance de la Centrafrique, have perpetrated systematic and widespread

conflict-related sexual violence, including rape, gang rape and sexual slavery. Sexual violence remains a threat for women and girls, particularly those who are internally displaced.

FACA troops and Russian mercenaries are also committing targeted attacks and ill-treatment against ethnic and religious minorities, particularly Fulanis and Muslims in Ouham prefecture. OHCHR has implicated proxy forces – who were recruited, trained and armed by FACA and Russian mercenaries in their fight against the UPC and CPC-aligned groups – in incidents targeting and punishing the Muslim and Fulani community that may amount to war crimes and crimes against humanity. The national police have also disproportionately arbitrarily arrested, illegally detained and tortured members of the Fulani community.

The protracted crisis in CAR has its origins in the overthrow of President François Bozizé on 24 March 2013 by the mainly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian anti-balaka militias and the collapse of state institutions. Anti-balaka and ex-Séléka forces may have committed war crimes and crimes against humanity between 2013-2015. Although a 2019 peace deal formally ended the conflict, armed groups continued to engage in sporadic violence. As a result of significant diplomatic efforts, in September 2021 the International Conference on the Great Lakes Region adopted a roadmap for peace, which called for all armed actors to commit to a ceasefire and revitalize the peace deal.

At least 1.3 million people in CAR have been forced to flee successive crises since 2013.

RECENT DEVELOPMENTS

Throughout 2022 former UN High Commissioner for Human Rights, Michelle Bachelet, and the UNSC-mandated Panel of Experts warned that the pattern of violations against minority communities, as well as the use of former anti-balaka combatants as proxies, risks triggering a new cycle of violence along communal, religious and ethnic lines.

Despite persistent impunity, there have been some advances toward justice for atrocities. Two former anti-balaka leaders and a Séléka leader are on trial at the ICC for crimes against humanity and war crimes while Chad surrendered an additional anti-balaka leader to the Court in March 2022. In July 2022 the ICC unsealed an arrest warrant for a former government minister for crimes against humanity and war crimes allegedly committed in 2013. On 31 October the Special Criminal Court (SCC) in CAR issued its first verdict, finding three suspected members of the "3R" armed group guilty of committing crimes against humanity and war crimes in May 2019 in Ouham-Pendé prefecture.

Although four armed groups that were signatories to the 2019 peace deal were officially dissolved in December 2022, there has not been any political engagement between the government and other armed groups, notably the CPC. In recent months, attacks by armed groups and government counteroffensives have risen in northeastern CAR. Armed groups operating cross-border are also stoking regional tensions. In December CAR and Sudan signed an agreement to receive Sudanese paramilitary Rapid Support Forces (RSF) soldiers in Vakaga prefecture to fight armed groups.

ANALYSIS

Despite the 2019 peace deal and the Luanda roadmap, the security situation remains precarious and populations continue to face likely atrocities. The continued targeting of ethnic and religious communities, as well as proliferating hate speech and incitement, have inflamed inter-communal tensions, heightening the risk for further violence. The increasing presence of explosive ordnance – used as an apparent attempt to prevent government counter-offensives – threatens civilians and hampers MINUSCA's civilian protection efforts.

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

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

RISK ASSESSMENT

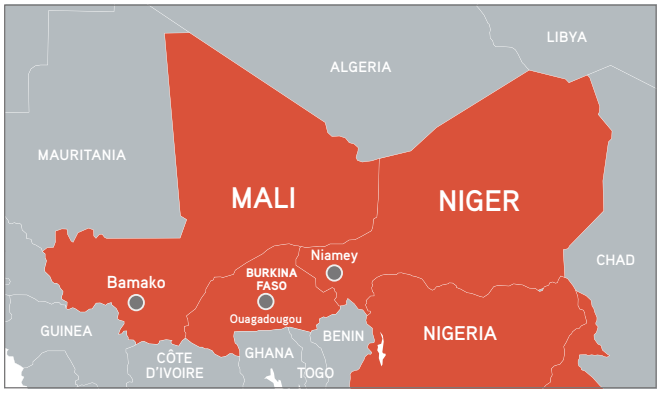
- Situation of armed conflict and other forms of instability, including a security crisis caused by, among other factors, defection from a peace agreement, a growing humanitarian crisis and lack of commitment to a ceasefire.
- Record of serious violations of IHL and IHRL, as well as history of crimes perpetrated with impunity.
- Weakness of state structures to provide adequate protection to populations.
- Enabling circumstances and preparatory action that provides an environment conducive to atrocities, including the use of militias, inflammatory rhetoric and hate speech

and increased grave acts of violence against vulnerable populations, particularly women and children.
- Mobilization of armed groups at mineral-rich border areas.

NECESSARY ACTION

All armed actors must rigorously adhere to their obligations under IHL and IHRL. FACA and allied forces must stop using militias to carry out attacks against civilian populations. It is imperative that all parties in CAR cooperate with MINUSCA, ensuring it has unhindered access across the country to effectively carry out its mandate. The international community must support the enhancement of MINUSCA's mobility to ensure that the mission has the necessary infrastructure to protect vulnerable populations. Efforts to address growing tensions and insecurity in mineral-rich border areas should be coordinated.

All perpetrators of atrocity crimes in CAR should be held legally accountable, regardless of their rank, affiliation or nationality. The government should prioritize accountability by cooperating with the UN and SCC to ensure that suspects subject to the SCC's arrest warrants are taken into custody, regardless of the political or military status of the individual.



CENTRAL SAHEL

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

BACKGROUND

During 2012 Tuareg separatists and armed Islamist groups seized territory in northern Mali following a military coup. Despite numerous security initiatives, including the presence of international forces and a UN peacekeeping operation (MINUSMA), the conflict shifted into inter-communal violence and attacks by armed Islamist groups. Recurrent violence perpetrated by armed Islamist groups – including groups affiliated with al-Qaeda and the so-called Islamic State Sahel Province – subsequently spread into neighboring Burkina Faso and Niger, threatening populations across the Central Sahel with violations that may amount to crimes against humanity and war crimes. At least 2,300 civilians were killed in the Central Sahel in 2022 alone.

For at least five years armed Islamist groups across the Central Sahel have systematically used sieges, threats, kidnapping, IEDs and landmines as deliberate tactics of war. These groups also impose "zakat" (forced taxation) and strategically destroy and loot civilian objects, including places of worship, health centers, food reserves, water services and bridges. Armed Islamist groups have targeted secular state education across the region, burning schools and threatening, abducting or killing teachers. Nearly 10,000 schools are currently closed or non-operational, impacting 1.6 million children. These groups have also targeted humanitarian workers and MINUSMA. In July 2022 the EU sanctioned three al-Qaeda affiliated commanders due to attacks against civilians, MINUSMA and the defense and security forces in Burkina Faso.

The region has faced significant upheaval since April 2021, particularly following military coups in Mali and Burkina Faso in May 2021 and January 2022, respectively, which prompted their suspensions from the AU and the Economic Community of West African States (ECOWAS). As a result of growing frustration and insecurity, Burkina Faso had a second coup in September 2022.

Throughout 2022 persistent attacks by armed Islamist groups significantly intensified. Since March 2022 groups aligned with the Islamic State have carried out systematic attacks against civilians – primarily those from the Dawsahak, a Tuareg ethnic group – in dozens of villages in Ménaka and Gao, northern Mali. Hundreds of civilians have been killed and thousands forced to flee. In Burkina Faso, at least 1 million people live in areas under blockade and face daily threats of violence. In Tillabéri, Niger, approximately 60 percent of displaced people have reported being victims of violence, including threats, kidnapping and theft, by armed Islamist groups between November 2022-January 2023.

The UN's Commission of Inquiry (CoI) on Mali and national human rights mechanisms have found that some counterterrorism operations have led to grave human rights violations and abuses that may amount to war crimes. Since the beginning of 2022, hundreds of civilians, particularly ethnic Fulani people, have been killed in indiscriminate attacks during counterterrorism operations by the Malian Armed Forces (FAMa) and allied mercenaries from the Wagner Group, and at times accompanied by Dozos – traditional hunters that

are mainly from the Dogon ethnic community. A group of UN independent experts stated that Wagner mercenaries and FAMa perpetrated possible war crimes and crimes against humanity in Mali since December 2021. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes, including unlawful killings, torture and enforced disappearances of civilians and suspected Islamist fighters.

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

At least 2.5 million people are internally displaced in the Central Sahel, including 1.9 million in Burkina Faso alone. An estimated 14.4 million people need life-saving humanitarian assistance.

RECENT DEVELOPMENTS

Violence against the Fulani community in Burkina Faso has escalated since the coup in September. Between 30-31 December suspected Dozo VDP members killed at least 86 Fulani people, including children, reportedly in retaliation for an attack by an al-Qaeda affiliated armed group. Since then, hate speech and incitement to discrimination and hostility has proliferated. The incident occurred only a month after Burkinabé authorities launched a drive to recruit 50,000 people into the VDP to fight alongside the army in a purported effort to curtail the spread of violence.

There has been a significant redistribution of international forces in the Central Sahel, including the conclusion of France's decade-long Operation Barkhane in November 2022 and the deployment of Wagner mercenaries in Mali in December 2021. In February 2023 the EU launched a military partnership mission with the Niger Armed Forces with the aim of integrating a human rights-based approach in the fight against terrorism and enhancing the protection of civilians.

On 23 January representatives from the ethnic Djerma, who are primarily sedentary farmers, and the nomadic Fulani pastoralist communities signed a peace agreement in Banibangou, Niger, to address long-standing conflict and growing tensions over access to land.

In the past year, amidst a shrinking of civic space across the region, human rights defenders have faced increasing reprisals, including threats, intimidation and arbitrary arrests. In 2023 the UN High Commissioner for Human Rights and Independent Expert on the situation of human rights in Mali have urged Malian authorities to ensure better respect for and protection of human rights defenders.

ANALYSIS

While Burkina Faso, Mali and Niger each face distinct challenges, these states also share a legacy of structural vulnerabilities, weak governance, limited state presence and porous borders.

Armed Islamist groups appear to be deliberately targeting civilians as a tactic to pressure local communities into cooperation or forcibly displace them. Communities that resist the rule and demands of these groups have faced threats, violent attacks and blockades, leaving millions increasingly isolated and vulnerable. The CoI on Mali has previously implicated armed Islamist groups in crimes against humanity and war crimes.

Populations continue to be targeted and persecuted on the basis of their ethnic and/or religious identity. The surge in civilian deaths in Mali in 2022 coincides with the arrival of Russian mercenaries. According to the Africa Center for Strategic Studies, four out of five people killed by Wagner operatives, working alongside FAMa, were civilians. The Burkinabé government's recruitment and reliance on VDPs will likely worsen inter-communal conflicts and fuel abuses.

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

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

RISK ASSESSMENT

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

NECESSARY ACTION

While countering violent extremism remains crucial in the Central Sahel, it is essential that all three governments and international forces establish civilian harm mitigation

mechanisms and ensure that their efforts do not exacerbate inter-communal tensions and fuel distrust of state authority. All actors should refrain from supporting or collaborating with ethnically aligned militias with poor human rights records.

Additional measures must be implemented to end the proliferation of arms, militias and self-defense groups and improve land management and local governance. Support for local reconciliation initiatives needs to be focused on areas where atrocity risks are greatest.

All armed actors must rigorously adhere to their obligations under IHL and IHRL. The governments of the Central Sahel should investigate all violations and abuses of IHL and IHRL. Malian transitional authorities must cooperate with MINUSMA and ensure that the Mission can carry out its mandate, particularly its human rights investigations.

CHINA

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

BACKGROUND

Under the guise of combating religious extremism and terrorism, in recent years Chinese authorities in the northwestern Xinjiang Uyghur Autonomous Region (XUAR) has increased persecution of the ethnic Uyghur community, as well as Kazakhs, Kyrgyz and other majority-Muslim ethnic groups. China has perpetrated a repressive campaign against Uyghurs and other majority-Muslim ethnic groups in the region for several decades, but abuses have significantly escalated since 2017 when XUAR authorities passed the "Regulation on De-extremification," which prohibits a range of "extreme" behaviors, such as "abnormal" beards.

Over 1 million people, mainly Uyghurs, have been arbitrarily detained in "re-education" or "de-extremification" facilities since around 2017. More than 380 suspected detention facilities in XUAR have been built or expanded since 2017, according to the Australian Strategic Policy Institute. There are reports of widespread rape, sexual abuse and torture of ethnic minorities in these facilities. An estimated 880,000 children in XUAR — whose parents are allegedly detained or in exile — have been placed in state-run orphanages or boarding schools. The Chinese government is also conducting a coercive campaign to reduce birth rates among Uyghurs and other majority-Muslim populations in XUAR. The campaign reportedly includes forced abortions and sterilizations.

Approximately 100,000 Uyghurs are also working under conditions that strongly suggest forced labor, with many transferred from detention camps to factories. Reports have identified 135 detention facilities in XUAR that have on-site factories where detainees are reportedly forced to work. The factories are part of supply chains that allegedly provide goods for 82 global brands. An August 2022 report from the UN Special Rapporteur on contemporary forms of slavery determined that forced labor among Uyghur, Kazakh and other ethnic minorities has been occurring in sectors such as agriculture and manufacturing in XUAR and Tibet. The Helena Kennedy Centre for International Justice has reported that over 100 international brands may be tied to Uyghur forced labor-produced cotton while the Coalition to End Forced Labour in the Uyghur Region has found that 45 percent of the world's polysilicon comes from XUAR, implicating nearly the entire global solar panel industry.

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

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

These measures have been imposed in conjunction with increased restrictions on religious practice. According to the Uyghur Human Rights Project, 1,046 imams and other religious figures from XUAR have been detained in camps or imprisoned since 2014. Uyghurs in XUAR and around the world also face surveillance by the Chinese government. Chinese authorities have engaged in the systematic destruction of Uyghur cultural heritage, demolishing or damaging thousands

of mosques, shrines, cemeteries and pilgrimage sites, as well as several tangible and intangible Uyghur, Kazakh and Kyrgyz cultural items listed by the UN Educational, Scientific and Cultural Organization (UNESCO), including muqam, karez, manas, meshrep and the Xinjiang Tianshan Mountain range.

In January 2021 the US formally accused China of committing genocide and crimes against humanity against the Uyghur population and members of other majority-Muslim ethnic groups. Since then, the parliaments of Belgium, Canada, Czech Republic, the EU, France, Lithuania, the Netherlands and the UK have also recognized the situation in Xinjiang as constituting genocide and/or crimes against humanity.

RECENT DEVELOPMENTS

Former UN High Commissioner for Human Rights, Michelle Bachelet, released a long-awaited report on the human rights crisis in XUAR in August 2022. The report determined that the extent of arbitrary and discriminatory detention of Uyghurs and other majority-Muslim ethnic groups may constitute crimes against humanity, and that conditions remain in place for serious human rights violations to continue. The report also questioned the Chinese government's claims that its policies are for counterterrorism purposes.

During the 51st session of the HRC, the Council considered a resolution that would call for a debate on the High Commissioner's report at the Council's March 2023 session. Although the resolution was rejected by vote, it marked the first time the HRC considered a decision on China.

In November 2022 CERD released a series of recommendations on XUAR and referred the situation to the UN Secretary-General's Special Adviser on the Responsibility to Protect.

ANALYSIS

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

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

The Chinese government's systematic destruction of cultural heritage aims to erase the history and identity of Uyghurs and other groups, providing further evidence of genocide.

RISK ASSESSMENT

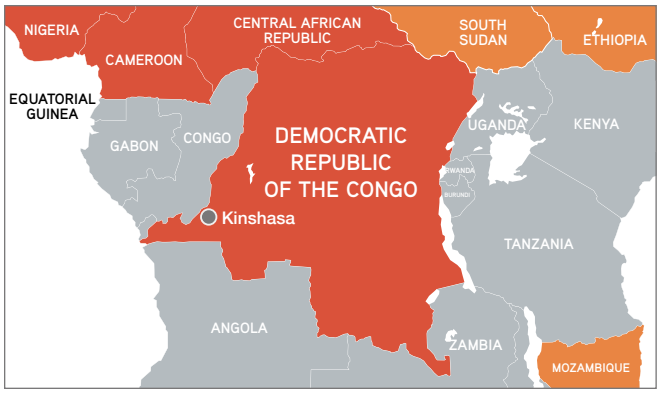
- A history of institutionalized discrimination against Uyghurs and other majority-Muslim ethnic groups.
- Mass surveillance throughout Xinjiang.
- Dangerous rhetoric used by the Chinese government to depict Uyghurs and other majority-Muslim groups as terrorists.
- Significant capacity to perpetrate atrocity crimes, especially in the context of detention centers, forced labor and forced sterilization.
- Policies that indicate an intent to erase and/or forcibly assimilate Uyghurs and other majority-Muslim ethnic groups.

NECESSARY ACTION

The government of China should release all persons being arbitrarily detained in "re-education camps" and related facilities, stop the practice of forcibly preventing births and separating Uyghur children from their families, cease the deliberate destruction of Uyghur cultural heritage, and repeal the "Regulation on De-extremification."

During its 52nd session, the HRC should debate the High Commissioner's August report on the human rights crisis in XUAR. The HRC should also mandate a Special Rapporteur on the situation of human rights in China or a fact-finding mission (FFM) to investigate systematic human rights violations in XUAR. In the absence of a UN mechanism mandated to investigate XUAR, other relevant UN experts, including the High Commissioner for Human Rights, should prioritize monitoring the region. UNESCO should also investigate cultural destruction in XUAR.

The Organization of Islamic Cooperation, Muslim-majority countries and neighboring states should urge China to respect the rights of minorities and cease their persecution of Uyghurs. All UN member states should ban goods tied to forced labor in China.



DEMOCRATIC REPUBLIC OF THE CONGO

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

BACKGROUND

Attacks by armed groups and recurring inter-communal violence have threatened populations in the eastern provinces of the Democratic Republic of the Congo (DRC) for nearly 30 years. More than 120 militias and armed groups actively operate in the eastern provinces, many of whom regularly perpetrate widespread violations and abuses that may amount to atrocity crimes. For example, between April 2019 – April 2022 the UN Joint Human Rights Office in the DRC (UNJHRO) documented at least 3,126 cases of torture and other cruel, inhuman or degrading treatment or punishment perpetrated by armed groups and the defense and security forces, with 93 percent of these incidents occurring in the eastern provinces. According to the UN Refugee Agency, at least 5.97 million Congolese are internally displaced, the vast majority of whom have fled violence in the east.

Despite military offensives conducted by the government's armed forces (FARDC), with assistance from the UN peacekeeping mission (MONUSCO), violence has escalated amidst a resurgence in activities by groups like the Cooperative for the Development of Congo (CODECO) and the March 23 Movement (M23). The government declared military rule in North Kivu and Ituri provinces under a so-called "state of siege" to confront armed groups in May 2021, but in the subsequent year armed groups killed at least 2,400 people, nearly doubling the civilian death toll from the previous 12 months.

The Allied Democratic Forces (ADF), an armed group that has been active for more than eight years and implicated in "brutal and systematic" attacks that may amount to crimes against humanity and war crimes, has escalated their assault on civilians in North Kivu and Ituri. In addition to the state of siege, in November 2021 the FARDC and the Uganda People's Defence Force launched a joint offensive against the ADF, however, the measures have failed to end the group's attacks and their territorial scope has expanded, including to Goma and Mambasa territory. Since April 2022 ADF attacks have killed at least 430 civilians and the group has abducted hundreds, including a significant number of children.

In Ituri, factions of CODECO – a predominantly ethnic Lendu armed group – have perpetrated widespread attacks on villages, killing hundreds of mostly ethnic Hema villagers. The UN has previously accused CODECO of potential crimes against humanity for its role in inter-communal violence between the Lendu and Hema communities. Since November 2021, CODECO fighters have committed a series of attacks on displacement sites in Djugu territory marked by killings, kidnappings, gang-rape, looting and torching of homes and shelters. CODECO fighters have also perpetrated attacks targeting mining sites.

In Rutshuru and Nyiragongo territories, North Kivu, clashes between the FARDC and M23 and the indiscriminate use of explosive and heavy weapons, including mortar fire and artillery shelling, have resulted in hundreds of civilian casualties and forced more than 521,000 people to flee since March 2022. Throughout their offensive, M23 has captured large swathes of territory and attacked villages, summarily killing, raping, kidnapping or torturing civilians and destroying schools in areas under its control. The number of grave violations against children attributed to M23 has increased more than twentyfold since March 2022.

RECENT DEVELOPMENTS

Regional leaders brokered a ceasefire agreement in November 2022 under which M23 were meant to withdraw from occupied territory. Despite the ceasefire and ongoing diplomatic efforts by the East African Community (EAC), M23 has made additional territorial gains and continues to clash with the FARDC.

The already dire situation in Ituri has deteriorated significantly in recent months. In January the UN Special Adviser on the Prevention of Genocide expressed alarm regarding the growing reports of attacks against civilians along ethnic lines, particularly the Hema and Lendu, as well as of mass killings and the systematic use of sexual violence as a weapon of war, among other abuses that have been perpetrated primarily by CODECO and the "Zaire" armed group. According to the UN, at least 200 civilians have been killed and 84 people abducted since December 2022 in Ituri.

Ahead of presidential elections scheduled for December 2023, there have been growing restrictions on political space, freedom of expression and freedom of the press in the context of the state of siege, as well as a rise in hate speech and incitement targeting political actors, journalists and civil society actors.

ANALYSIS

For nearly 30 years various armed groups have exploited the absence or weakness of state authority in eastern DRC to perpetrate attacks against civilians. Rampant impunity and competition for control of profitable minerals have enabled the proliferation of armed groups. Widespread violence in eastern DRC is indicative of the enduring challenge of building effective governance and stability.

The volume of attacks, combined with inter-communal tensions, is straining the capacity of the FARDC and MONUSCO to provide adequate protection. FARDC offensives often trigger violent reprisals that target civilians. The redeployment of the military to fight against M23 has created further power vacuums and exacerbated the fragile security environment in Ituri and North Kivu, resulting in countless attacks against civilians. The FARDC and police have also been implicated in widespread violations of IHRL and IHL, including sexual violence, torture and arbitrary killings, while combating armed groups. Some state security forces have been implicated in violations that may amount to crimes against humanity and war crimes.

The UNSC-mandated Panel of Experts and others have alleged that Rwanda supported M23 in 2013 and has provided logistical support and fought alongside the group during its resurgence since November 2021. M23's renewed offensive has aggravated regional tensions and provoked a dramatic increase in hate speech and incitement to discrimination and violence in DRC, particularly targeting individuals of Rwandan descent.

RISK ASSESSMENT

- The mobilization of armed groups and proliferation of arms, as well as the use of armed groups as proxies.
- Increased inflammatory rhetoric and hate speech and the absence of independent mechanisms to combat it.
- Repeated and widespread attacks on protected persons and objects, including children, internally displaced persons (IDPs), hospitals and schools.
- Long-standing, unaddressed inter-communal tensions and rivalries, as well as the politicization of identity.
- Rising cross-border tensions between Rwandan and Congolese officials and their increasing appeals to ethnic loyalties.

NECESSARY ACTION

The DRC government, MONUSCO and the joint EAC force deployed to the eastern provinces must ensure that protecting civilians remains their primary priority as they address the ongoing threat posed by various armed groups. The DRC government and MONUSCO should enact measures to re-establish trust with communities, including by consulting with civilian populations and civil society about protection needs.

Neighboring states should continue to uphold the "Peace, Security and Cooperation Framework for the DRC and the region" and ensure that forces deployed to eastern DRC refrain from illicit activities. The international community should suspend military assistance to governments found to be supporting M23 and other armed groups.

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

The government must cooperate with UNJHRO and ensure all state agents responsible for human rights violations and abuses are held accountable. The DRC government should implement a vetting process within the FARDC to identify and provisionally remove individuals who may have been implicated in serious human rights violations from their post while cases are pending.

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

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

BACKGROUND

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been illegally occupied by Israel since 1967. The Israeli government has institutionalized systematic racial oppression through a two-tiered legal and political system that provides comprehensive rights for Jewish Israeli settlers while imposing military rule and control on Palestinians without any basic protections or rights under international law. The Israeli government has also engaged in a regular practice of inhumane acts, as well

as extrajudicial killings, torture, denial of fundamental human rights, arbitrary detention and collective punishment.

According to a March 2022 report by the UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT), Israel's political system of entrenched rule in the OPT satisfies the prevailing evidentiary standard for the existence of the crime of apartheid. The Special Rapporteur previously determined in July 2021 that Israel's 55-year occupation has been characterized by settlement expansion that aims to permanently alter the ethnic demographics of East Jerusalem and amounts to a war crime. The HRC-mandated CoI on the OPT, including East Jerusalem, and Israel reached similar conclusions in September 2022, reporting that the Israeli government's policies and actions have led to the permanent occupation and de facto annexation of Palestinian territory, likely constituting crimes under international law, including war crimes. Both the CoI and Special Rapporteur have reported that this ongoing coercive environment has prevented Palestinians from fulfilling their right to self-determination and other fundamental human rights.

The CoI concluded in June 2022 that continued occupation, as well as discrimination against Palestinians, are the key causes of recurrent instability and protraction of conflict in the region. There are close to 300 illegal settlements in Occupied East Jerusalem and the West Bank with approximately 700,000 Israeli settlers. According to OCHA, 952 Palestinian-owned structures were demolished or seized by Israeli government authorities in 2022, forcibly displacing over 1,031 Palestinians. The UNSC previously adopted a resolution in December 2016 reaffirming that Israeli settlements in the OPT violate international law.

Palestinians are also regularly subjected to deadly violence by Israeli settlers, including physical attacks, shooting with live ammunition, torching of fields and livestock, theft and vandalization of property. Israeli security forces also perpetrate widespread attacks against Palestinians, particularly in occupied territory and often leading to deadly escalations, including regular disproportionate aerial bombardments of the blockaded Gaza Strip. During May 2021, following weeks of escalating tensions and protests, Israeli security forces carried out violent raids on the Al-Aqsa Mosque compound, injuring over 1,000 Palestinians. Subsequent indiscriminate rocket fire by Hamas and airstrikes by Israel killed and injured over 2,170 Palestinians in Gaza and killed at least 12 Israelis from 10-21 May.

Meanwhile, Israel's air, sea and land blockade of Gaza has been in place for over 15 years and has inflicted collective punishment on 2 million Palestinians, facilitating a humanitarian crisis. Israeli authorities periodically shut down the crossings into Gaza, preventing the flow of people, medical cases and essential commodities, including food. Closures in early August 2022 resulted in severe shortages of fuel, forcing the Gaza Power Plant to shut down. Hamas' security forces have also committed grave abuses against Palestinian civilians in Gaza, including arbitrary arrests, summary executions and torture.

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

RECENT DEVELOPMENTS

Over 170 Palestinians were injured and at least 300 detained during large-scale raids by Israeli police from 15-22 April 2022 at the al-Aqsa Mosque compound in East Jerusalem. Israeli police used disproportionate force, tear gas, stun grenades and rubber bullets to forcefully remove Palestinians. In early August the Israeli government launched indiscriminate airstrikes in Gaza, killing and injuring nearly 400 Palestinians, including dozens of children.

According to OCHA, 2022 was the deadliest year for Palestinians residing in the Occupied West Bank, including East Jerusalem, since 2006, with over 156 Palestinians, including 26 children, killed by Israeli security forces. These often follow attacks or incursions by settlers into Palestinian villages and include search-and-arrest operations and violent confrontations with Palestinians. In January 2023 Israeli security forces carried out the deadliest single raid in the Occupied West Bank in decades, killing at least nine Palestinians during an operation at the Jenin refugee camp. The raid prompted a Palestinian gunman to open fire outside a Jerusalem synagogue, killing seven and injuring three Israelis, the deadliest incident against Israelis in 15 years. Following this, Israeli Prime Minister Benjamin Netanyahu promised a series of punitive steps against Palestinians, including measures to "strengthen settlements" and sanctions against families of alleged Palestinian attackers. Since then, deadly raids by Israeli security forces have resulted in numerous civilian casualties, including one in Nablus on 22 February during which 11 Palestinians were killed and approximately 100 injured.

In December 2022 the UN General Assembly (UNGA) requested the International Court of Justice (ICJ) to give an advisory opinion on the legal consequences of Israel's ongoing occupation.

ANALYSIS

The systematic nature of human rights violations and inhumane acts in the OPT likely amounts to crimes against humanity while the collective punishment of Palestinians as a coercive measure of population control may amount to a war crime.

Under the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Rome Statute of the ICC, apartheid is a crime against humanity.

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

Impunity for cycles of violence has entrenched a system of structural oppression against Palestinians in Gaza and the Occupied West Bank. There has been no effective accountability for past crimes by Israeli forces, Hamas or Palestinian armed groups, including potential war crimes.

RISK ASSESSMENT

- Institutionalized systematic racial oppression and discrimination against Palestinians.
- Disproportionate violent attacks on Palestinians and occupied territory by Israeli security forces, including collective punishment of Palestinian communities.
- Regular practice of inhumane acts against Palestinians.
- Perpetual occupation amounting to de facto and illegal annexation of Palestinian land, paired with illegal transfer of the occupier's population into occupied territory.
- Hate speech and incitement to violence between groups.

NECESSARY ACTION

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

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

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

MYANMAR (BURMA)

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

BACKGROUND

On 1 February 2021 Myanmar's (Burma) military – the Tatmadaw – led by Commander-in-Chief Min Aung Hlaing, overthrew the country's civilian-led government and declared a state of emergency. Since then, hundreds of thousands of people have participated in peaceful protests and strikes against the re-imposition of military rule, while numerous civilian militias – known as People's Defence Forces (PDFs) – have also formed as part of an armed resistance. Several UN officials and entities, including the Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, and the Independent Investigative Mechanism for Myanmar (IIMM), have said that abuses committed by the military since the coup likely amount to crimes against humanity and war crimes.

Over 3,000 people have been killed by the security forces since February 2021, and more than 16,000 people remain detained for resisting the coup, according to the Assistance Association for Political Prisoners. The military has charged members of the National Unity Government (NUG) – a coalition of democratic opponents formed in opposition to military rule – with high treason and pronounced that the NUG and PDFs are terrorist organizations. The military has also widely used internet shutdowns to limit communication and access to information. In June 2021 the UNGA adopted a resolution calling for the immediate release of all political detainees and for all member states to prevent the flow of arms into Myanmar. At least 1.1 million people have been displaced since the coup, particularly in the northwest and southeast. An estimated 17.6 million people need humanitarian aid.

The Tatmadaw has targeted civilian areas with airstrikes, scorched earth campaigns and other attacks, particularly in the opposition strongholds of Magway and Sagaing regions

and Chin, Kachin, Shan, Kayah and Karen states, resulting in civilian casualties and mass displacement. According to OCHA, an estimated 34,000 civilian properties have been burned or destroyed since the coup.

Myanmar's armed forces previously ruled the country from 1962-2011, overseeing the violent repression of the democracy movement and waging war against several ethnic armed groups in many of the same areas that it continues to attack today.

A number of governments have imposed targeted sanctions or suspended development funds in response to the coup. The Republic of Korea restricted military exports and suspended defense exchanges. Oil conglomerates TotalEnergies and Chevron announced in January 2022 their withdrawal over the human rights crisis.

In August 2017 the military launched so-called "clearance operations" in Rakhine State with the purported aim of confronting the Arakan Rohingya Salvation Army. During those operations the majority of Myanmar's Rohingya population were forced to flee the country, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. The estimated 600,000 Rohingya who remain in Rakhine State face severe violations of their universal human rights. In 2018 the HRC-mandated FFM on Myanmar concluded that senior members of the military, including General Min Aung Hlaing, should be prosecuted for genocide against the Rohingya ethnic group, as well as for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. In March 2022 the US government determined that the acts perpetrated by the Tatmadaw against the Rohingya constituted genocide and crimes against humanity.

Numerous processes are underway to investigate and potentially hold perpetrators accountable of crimes against the Rohingya. This includes the IIMM, an ICC investigation into crimes against humanity that may have resulted in the forced deportation of the Rohingya across the Myanmar-Bangladesh border, and a trial at the ICJ initiated by The Gambia in November 2019, accusing Myanmar of violating its obligations under the Genocide Convention. Several states have announced their intention to intervene in the case, including Canada, Germany, the Netherlands and the UK. Several cases have also been opened under the principle of universal jurisdiction, including in Argentina and Germany.

RECENT DEVELOPMENTS

In December 2022 the UNSC passed a resolution — its first and only since the coup — condemning the human rights crisis and calling for political prisoners to be released. On 31 January Canada banned the supply of aviation fuel to Myanmar and the UK imposed sanctions against companies supplying Myanmar's military with aviation fuel.

A January report by the Special Advisory Council for Myanmar, a group of independent international experts, found that dozens of companies in 13 countries are directly or indirectly assisting the junta by supplying materials to the Directorate of Defence Industries, a state-owned entity that produces weapons for the military.

Meanwhile, the military is preparing for so-called elections in August and is taking steps to block opposition parties. Special Rapporteur Andrews has warned that the elections will not be free or fair and urged the international community to denounce them.

ANALYSIS

Impunity for past atrocities, including the Rohingya genocide, has enabled the military to continue committing widespread and systematic human rights violations and abuses against civilians, particularly those from ethnic minority populations.

The risk of further war crimes and crimes against humanity remains high as the Tatmadaw continues to target civilians and the armed resistance, including with airstrikes, scorched earth campaigns and landmines. The Tatmadaw's reported use of surveillance technology and internet shutdowns appears to help facilitate the commission of atrocities and shield itself from accountability.

The UNSC has consistently impeded the international community from responding to or preventing atrocities in Myanmar. The only formal response by the UNSC to the genocide against the Rohingya was the adoption of a Presidential Statement on 6 November 2017 that stressed the "primary responsibility of the Myanmar government to protect its population." Since the coup, the UNSC has only issued statements following private sessions and adopted one resolution. Regional bodies have also been ineffective. In April 2021 the Association of Southeast Asian Nations (ASEAN) agreed to a "Five-Point Consensus." Despite the plan's failed implementation, ASEAN continues to rely on the strategy as its main approach.

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

RISK ASSESSMENT

- Impunity for atrocity crimes enjoyed by the military.
- A history of institutionalized persecution and discrimination against ethnic minority groups.
- The military's continued access to weapons, aviation fuel and money, providing the means to perpetrate atrocities.
- Severely weakened state structures.

- Escalating armed conflict throughout the country.

NECESSARY ACTION

The UNSC should impose a comprehensive arms embargo and targeted sanctions on Myanmar and refer the situation to the ICC. China, Russia, Serbia and India must halt weapons transfers to Myanmar's military. All UN member states, regional organizations and the UNSC should impose economic sanctions on Myanmar's oil and gas sector, particularly the Myanma Oil and Gas Enterprise. States should also block the military's access to aviation fuel and refuse to legitimize the upcoming so-called elections in August.

Foreign companies should immediately divest and sever ties with all businesses linked to Myanmar's military, including the Directorate of Defence Industries.

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

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

NIGERIA

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

BACKGROUND

Since 2011 recurrent violence between herding and farming communities, rooted in competition over scarce resources, has escalated in central and north-west Nigeria with armed groups and gangs engaging in organized cattle-rustling, kidnapping, plunder, murder and rape. Largely in response to growing inter-communal conflict, armed bandit groups have formed and perpetrated widespread abuses, displacing hundreds of thousands of people. Many bandit groups are comprised of ethnic Fulani and prey on settled farming communities. According to the Armed Conflict Location and Event Data Project (ACLED), armed bandit groups killed more than 2,600 civilians in 2021, an increase of over 250 percent compared with 2020. In January 2022, under the Terrorism Prevention Act, the Nigerian government designated these groups as "terrorists." In an attempt to curb the activities of armed bandits, the government has intensified its military operations in affected areas, including through airstrikes where such groups operate.

Violence perpetrated by armed extremist groups, namely Boko Haram and the so-called Islamic State in West Africa (ISWA) against civilian and military targets, has also resulted in mass atrocities in northern Nigeria. More than 35,000 people have been killed in northern Nigeria since 2009 when Boko Haram launched its insurgency aimed at overthrowing Nigeria's secular government and establishing an Islamic state. Their tactics include killings, suicide bombings, abductions, torture, rape, forced marriages and the recruitment of child soldiers, as well as attacks that are directed against government infrastructure, traditional and religious leaders and the civilian population. There are at least 1.8 million IDPs in the northeastern states of Adamawa, Borno and Yobe while health services and education have been severely disrupted. These groups have also perpetrated attacks in neighboring countries, killing and displacing civilians in Cameroon, Chad and Niger. In 2015 the AU authorized the Multinational Joint Task Force (MNJTF) to combat armed extremism.

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

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

According to OCHA, the security situation has resulted in a humanitarian emergency, with more than 8.4 million people – approximately 80 percent of whom are women and children

– requiring urgent assistance. In July 2022 the UN Children's Fund and the World Food Programme (WFP) launched the Resilience and Social Cohesion Project, aimed at enhancing peace, increasing livelihood opportunities and providing humanitarian assistance to vulnerable populations in Borno and Yobe states.

RECENT DEVELOPMENTS

The actions of armed bandits pose an enormous risk to populations in north-west and north-central Nigeria. During the first week of February 2023 at least 100 people were killed in armed clashes between bandits and local vigilantes in Kankara local government area, Katsina State.

Increased military operations against extremist hideouts and in areas where armed bandits operate have resulted in civilian casualties in recent months. On 24 January at least 40 civilians, predominantly from the ethnic Fulani community, were killed by a military airstrike in Rukubi village, at the border of Nasawara and Benue states. In December 2022 a similar airstrike targeting bandits in Zamfara State reportedly killed at least 64 civilians. On 2 February the UN Special Adviser on the Prevention of Genocide issued a statement urging the Nigerian authorities to ensure that counterterrorism operations are conducted in full respect of IHRL and IHL and called upon the authorities to investigate the airstrikes and hold perpetrators accountable.

Nigeria's general elections, held on 25 February, were accompanied by an increase of violence, political infighting and a growing number of protests. In the 12 months preceding the elections, ACLED recorded more than 200 violent incidents involving party members and supporters, resulting in nearly 100 people reportedly killed. Unarmed civilians were the target in 80 percent of these incidents. ACLED also recorded 23 violent incidents targeting the Independent National Electoral Commission's (INEC) offices and staff during that time.

ANALYSIS

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

While armed bandit groups are driven largely by criminal motives, many bandits are ethnic Fulani and prey on settled farming communities, increasing and exacerbating ethnic tensions. Since late 2020, armed bandits have shifted their tactics and also carry out mass abductions for ransom, as well as looting and extorting villages.

Growing desertification has exacerbated tensions between communities as the loss of grazing land in the north has driven many ethnic Fulani herdsmen, who are mainly Muslim, southward into areas farmed by settled communities that are predominantly Christian. Historic flooding during the second half of 2022, which displaced 1.4 million people and killed at least 600, heightens the risk of food scarcity and resource-based conflict.

The attacks against INEC offices and election infrastructure aimed to undermine the electoral process. The weapons used in attacks on INEC offices ahead of the general elections, including explosives, show a significant increase in the capacity and strength of armed actors.

RISK ASSESSMENT

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

NECESSARY ACTION

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

Local peace commissions established to mediate inter-communal tensions and build early warning systems, such as those in Adamawa, Kaduna and Plateau states, need to be duplicated in other high-risk regions.

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

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

SYRIA

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

BACKGROUND

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

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

The CoI has reported more than 130,000 arbitrary detentions, abductions or disappearances since 2011, with the majority attributable to the Syrian government. A study released in August 2022 by the UN Secretary-General recommended that the UNGA establish an independent international mechanism dedicated to clarifying the fate and whereabouts of missing persons in Syria, as well as supporting victims, survivors and their families. In central, western and southern Syria, government authorities, including intelligence authorities, continue to perpetrate arbitrary detention, torture and ill-treatment in incommunicado detention on a systematic basis in areas under their control. Government forces have also reportedly subjected civilians returning to Syria to arbitrary detention, enforced disappearances, extrajudicial killings and torture.

In 2014 the so-called Islamic State of Iraq and the Levant (ISIL) declared a caliphate across Iraq and Syria and perpetrated widespread abuses against civilians until the group was militarily defeated in their last territorial stronghold in 2019. The CoI concluded in 2016 that ISIL perpetrated likely genocide against Yazidis and other minorities. At least 23,000 children of alleged ISIL fighters from 60 countries remain trapped in squalid detention camps run by the Kurdish-backed Syrian Defense Forces (SDF).

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

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

To close the accountability gap, on 21 December 2016 the UNGA voted to establish an International, Impartial and Independent Mechanism to assist in the investigation and prosecution of perpetrators of atrocities in Syria. Several countries have also initiated domestic legal proceedings or convicted suspected Syrian perpetrators under universal jurisdiction. In September 2020 and March 2021, respectively, the governments of the Netherlands and Canada formally requested negotiations with Syria as a first step toward holding the government accountable for violations of the UN Convention against Torture.

RECENT DEVELOPMENTS

Despite a ceasefire reached between armed opposition groups and government forces in Dara'a governorate on 1 September 2021, clashes have continued and Syrian government forces have launched periodic raids, airstrikes and missile attacks. The government has also besieged areas in and around Dara'a city and imposed heavy restrictions on civilians attempting to flee and on the delivery of humanitarian aid. The government has imposed a blockade in northern Aleppo since August 2022, inflicting severe shortages of fuel, aid and medical supplies on tens of thousands of civilians, including those internally displaced.

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

Elsewhere in northern Syria, escalating hostilities and strikes between the SNA and SDF continue to adversely impact civilians. IEDs, as well as indiscriminate shelling and government airstrikes, have killed and wounded hundreds of civilians over the past year. In northeast Syria, along the border with Türkiye, there is a risk of a potential new Turkish ground operation, similar to Operation Euphrates Shield in 2016 and Operation Peace Spring in October 2019, which were characterized by likely atrocities and heightened risks in the broader region.

ANALYSIS

For over a decade the government of Syria, its allies and armed opposition groups have all perpetrated attacks on civilians and civilian infrastructure, blatantly disregarding international law. All parties to the conflict continue to commit acts that may amount to war crimes and crimes against humanity. As various armed groups attempt to consolidate their control over territory in a fragmented Syria, civilians are facing indiscriminate hostilities, as well as widespread and systematic human rights violations. The Syrian government and other parties to the conflict continue to perpetrate detention and disappearance as a strategy to control and intimidate civilians. Ongoing violations of various ceasefire agreements and a potential Turkish incursion in the northeast greatly increase the risk of recurrence of large-scale conflict.

RISK ASSESSMENT

- Ongoing likely war crimes and crimes against humanity, perpetrated by all parties to the conflict, in particular the government.
- Impunity enjoyed by all perpetrators for atrocity crimes.
- Inadequate state structures to protect the most vulnerable, including those internally displaced, returning refugees and minorities.
- Inability or refusal to address the situation of those missing and disappeared.
- Limited cooperation of the government with any international mechanisms.

NECESSARY ACTION

All parties to the conflict must uphold their obligations under IHL and IHRL, including ending attacks on civilians and civilian infrastructure, and facilitate unimpeded humanitarian access to civilians trapped or displaced by fighting. All parties should also uphold the ceasefire agreements in the northwest, northeast and south.

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

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

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

UKRAINE

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

BACKGROUND

Since 24 February 2022, when Russian Armed Forces invaded Ukraine, cities and towns in central, eastern and southern areas of the country have been bombarded with indiscriminate explosive weapons. The UN verified more than 8,000 civilian deaths, including over 438 children, in the first year of the conflict while emphasizing that the actual figure is considerably higher. The conflict has caused a massive humanitarian crisis, displacing over 14 million people, including more than 7.6 million who fled to neighboring countries, and leaving 18 million in need of assistance.

The CoI on Ukraine, established by the HRC in March 2022, has documented evidence of war crimes committed against the civilian population by Russian forces, including indiscriminate attacks, torture and sexual and gender-based violence in Kyiv, Chernihiv, Kharkiv and Sumy oblasts. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has also documented the widespread use of indiscriminate weapons in populated areas, including heavy artillery and multiple launch rocket systems, missiles, airstrikes and illegal cluster munitions. Schools, medical facilities, homes, water and sanitation systems and civilian shelters have been routinely targeted. Russian forces have bombed Ukrainian historical, religious and cultural sites and reportedly pillaged cultural heritage in Kherson. Buses and convoys of fleeing civilians have also been targeted, violating agreed upon humanitarian corridors. According to the HRMMU, Ukrainian and Russian forces have also committed abuses against prisoners of war, including torture and ill-treatment.

In areas under their control, Russian forces have perpetrated grave abuses, including summary executions and other possible war crimes. Mass graves and burial sites containing at least 1,500 bodies have been found in areas retaken from Russian forces in Bucha, Izium and Lyman. There have also been reports of forced deportations of Ukrainians, including children, to Russia and forcible disappearances of local Ukrainian government officials.

Since the beginning of September, Ukrainian forces have retaken thousands of square miles of territory in the south and northeast. In response to Ukraine's territorial gains, Russian-backed authorities held referendums from 23-27 September in areas of Luhansk, Donetsk, Kherson and Zaporizhzhia oblasts under their control and subsequently annexed the areas into Russia and declared martial law.

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

Russia's aggression in Ukraine has been widely condemned by states, as well as regional and intergovernmental organizations, many of which have responded with unprecedented targeted sanctions and other economic measures. Hundreds of multinational corporations have ceased operations in Russia. Many countries have closed their airspace to Russian airlines while some states have provided Ukraine's military with weapons. Since the start of the conflict, Russian and Ukrainian delegations have met in numerous rounds of negotiations but have made limited progress.

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

On 26 February 2022 Ukraine filed a case with the ICJ, asking for the Court's clarification under Article IX of the Genocide Convention. On 16 March the ICJ imposed provisional

measures, calling on Russia to suspend military operations and for military units to cease advancing, as well as calling on all parties to refrain from actions that may prolong the conflict. On 2 March the Chief Prosecutor of the ICC also opened an investigation into the situation in Ukraine.

RECENT DEVELOPMENTS

Since late December, Donetsk and Luhansk have endured intense fighting. Ukrainian authorities reported more than 50 civilian casualties on 31 December alone, including children and journalists. Daily air and rocket strikes have left the towns of Bakhmut and Soledar in Donetsk almost completely destroyed and without electricity or running water for months.

Russian forces continue to perpetrate indiscriminate attacks on urban centers in Ukraine. On 14 January a Russian airstrike hit an apartment building in Dnipro, killing at least 45 civilians. On 26 January Russian forces fired missiles and self-exploding drones at nearly a dozen Ukrainian provinces, killing at least 11 people.

To mark the one-year anniversary of the invasion, on 22 February the UNGA resumed an emergency special session and adopted a resolution the following day that called upon Russia to end the conflict and withdraw its troops from Ukraine.

ANALYSIS

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

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

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

RISK ASSESSMENT

- Failure to adequately halt and address violations of IHL and IHRL in eastern Ukraine since 2014.
- Russia's pattern of violence against civilian populations, their property, livelihoods and cultural symbols across multiple conflicts, including in Ukraine, and the blatant disregard of IHL.
- Increasing polarization, propaganda and inflammatory speech.
- Lack of tangible progress toward securing peace.
- Impunity for orchestrators and perpetrators of war crimes and crimes against humanity.

NECESSARY ACTION

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

Amidst the deepening crisis, the international community must continue to increase its pressure on Russian authorities to halt their aggression in line with the ICJ's provisional measures. The international community should also maintain its support to Ukraine in upholding its international obligations to protect its populations, including by ensuring the territorial integrity of the country.

VENEZUELA

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

BACKGROUND

Following years of the gradual erosion of the rule of law and democratic space, the situation in Venezuela first escalated in 2014 when mass protests erupted in response to insecurity, hyperinflation and a lack of essential services. Security forces reacted with disproportionate force, torture and sexual violence. Similar patterns of violations and abuses were perpetrated by

state agents during subsequent mass protests, including in 2019 when the start of President Nicolás Maduro's second term sparked an intense struggle with the opposition, causing a protracted political crisis. In a systematic policy to repress political dissent, the Venezuelan government, including its security and intelligence apparatus, have perpetrated arbitrary detention, torture and ill-treatment, sexual and gender-based violence and short-term enforced disappearances targeting actual and perceived opponents. Various security forces have also allegedly perpetrated tens of thousands of extrajudicial killings in the name of combating crime.

In 2019 the HRC authorized the creation of an independent FFM on Venezuela to investigate systematic state-led repression. The FFM has established that some violations and abuses committed since at least 2014 were part of a "widespread and systematic attack" against the civilian population that may amount to crimes against humanity. Evidence collected by the FFM implicated President Maduro and other high-level government officials and members of his inner circle in directly selecting and framing targets to be arbitrarily detained and tortured. In December 2020 the Chief Prosecutor of the ICC asserted that there are reasonable grounds to believe that crimes against humanity have been committed since at least April 2017. An official investigation was opened on 3 November 2021.

The crisis has left millions of Venezuelans unable to access basic services, including healthcare and nutrition. An estimated 7.1 million people have left the country since 2014 in what has become the largest migration crisis in Latin America.

The EU has had an extensive sanctions regime in place since November 2017 against 55 individuals, including senior government officials. The US government has also imposed targeted sanctions against the Venezuelan government, as well as broader sanctions that have exacerbated the country's humanitarian crisis.

Communities along Venezuela's border with Colombia and other areas of the country are also at heightened risk of egregious abuses by non-state armed groups or criminal gangs, acting at times with the consent and direct involvement of Venezuelan state agents identified as perpetrators of possible crimes against humanity. Regular clashes between armed groups along the border have resulted in mass displacement, civilian fatalities, disappearances and the forced recruitment of children. In Venezuela's gold mining region, Arco Minero del Orinoco, state agents and armed criminal groups are committing killings, sexual and gender-based violence, torture, corporal punishment and disappearances, including against indigenous populations, to ensure control over profitable territory.

RECENT DEVELOPMENTS

Venezuelan human rights project Lupa por La Vida documented more than 700 alleged extrajudicial executions between January and November 2022 alone. In September 2022 the FFM warned that patterns of detention, torture and other violations continue "as part of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity."

Over the past year, the government has systematically restricted civic space and limited the work of human rights defenders, independent media and civil society, including through harassment and persecution. On 24 January 2023 the ruling-party dominated National Assembly provisionally approved draft legislation aimed at essentially criminalizing the work of civil society organizations.

On 15 April 2022 the Venezuelan government requested the deferral of the ICC investigation, but the Chief Prosecutor announced he would seek approval from the Pre-Trial Chamber to proceed. A Memorandum of Understanding between the government and the ICC, signed in November 2021, remains intact.

Although the government has refused to fully cooperate with HRC mechanisms, including the FFM, on 7 October 2022 the HRC renewed the reporting mandate of the FFM and OHCHR for an additional two years. During his first visit to Caracas on 26 January 2023 the UN High Commissioner for Human Rights, Volker Türk, announced the extension of OHCHR presence in Venezuela for two years.

Following more than a year-long stalemate, on 26 November government and opposition delegates resumed political negotiations within the purview of the Mexico Dialogue and signed a first "social agreement," which aims to ensure UN supervision of unfrozen funds directed to address the dire humanitarian needs.

ANALYSIS

The Venezuelan government is deliberately pursuing policies that enable human rights violations and abuses to silence dissent. Extrajudicial killings appear to be part of a systematic strategy to reinforce social control. The number of killings reduced following the publication of the FFM's first report in September 2020, suggesting a possible deterrent effect of international scrutiny. However, no structural changes have been implemented to the country's judiciary, intelligence or security sector and state actors continue to perpetrate systematic abuses, including against human rights defenders.

Venezuela's judicial system is perpetuating impunity for possible atrocity crimes committed by security and intelligence forces. Domestic investigations – undertaken to minimize international scrutiny – remain limited in scope and only target

low-level perpetrators. Government-linked media outlets also play a key role in state repression and persecution.

The ICC's decision to open an investigation is an important step in advancing accountability efforts in light of the government's unwillingness to investigate high-level perpetrators. Public reporting to UN member states by the FFM is vital to maintain international engagement and pressure on the government to commit to system-wide reform and prevent recurrence of crimes against humanity.

The ongoing complex humanitarian emergency continues to affect large parts of Venezuela's population in urgent need of assistance.

RISK ASSESSMENT

- Involvement of state institutions or high-level political or military authorities in violent acts, including atrocity crimes authorized at the highest level of government.
- Lack of independent and impartial judiciary and impunity for or tolerance of serious violations of international law, of atrocity crimes, or of their incitement.
- Presidential elections in 2024 may trigger heightened government repression.
- Shrinking civic space and adoption of measures to criminalize civil society organizations.
- Absence of accountable state authority along Venezuela's borders and other areas across the country.

NECESSARY ACTION

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

Technical cooperation, including through OHCHR, should be based on the FFM's recommendations on necessary system-wide reform, as well as address risk factors and institutional weaknesses that have facilitated the commission of atrocity crimes. States should exert maximum diplomatic pressure to ensure the government commits to these reforms.

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

The Chief Prosecutor of the ICC and his investigative team should engage with survivors and civil society organizations to pursue victim-centered accountability processes.

ETHIOPIA

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

BACKGROUND

In November 2020 the federal government of Ethiopia and its allies, including the Eritrean Defense Forces (EDF) and forces from the Amhara region, launched a military offensive in the Tigray region against forces loyal to the regional governing Tigray People's Liberation Front (TPLF). The fighting subsequently spread to the neighboring Afar and Amhara regions in July 2021. For two years the Ethiopian National Defense Forces (ENDF) and the Tigray Defense Forces (TDF) fought in an armed conflict characterized by widespread violations of IHL and IHRL in northern Ethiopia. On 2 November 2022, following weeks of increased fighting and airstrikes by the ENDF against Tigrayan towns and cities, the federal government and the TPLF agreed to a cessation of hostilities brokered by the AU.

Possible war crimes and crimes against humanity have been committed by all parties throughout the conflict. Reports by several UN bodies, including the HRC-mandated International Commission of Human Rights Experts on Ethiopia (ICHREE), and investigations by international human rights groups have documented indiscriminate bombings, ethnic-based killings, sexual violence, forced displacement, use of child soldiers, destruction of cultural heritage and the systematic destruction of food, water and healthcare. Amnesty International and Human Rights Watch also assert that Amhara regional forces and militias – known as 'Fano' – with the acquiescence and possible participation of the Ethiopian federal authorities and EDF, perpetrated war crimes, crimes against humanity and ethnic cleansing in Tigray's Western Zone. Amhara authorities subjected the Tigrayan population to restrictions on the basis of their ethnicity, organized transportation to remove them from Western Tigray, confiscated their documents and warned them not to return while simultaneously calling for the settlement of Amhara residents into the area.

The conflict has caused a humanitarian catastrophe to unfold across northern Ethiopia, with over 3 million people internally displaced and at least 13 million in urgent need of aid. Humanitarian convoys have been routinely blocked, attacked and looted by parties to the conflict and at least 23 aid workers have been killed since November 2020.

Inter-communal and inter-religious violence, as well as regional border disputes, are also frequent in other parts of Ethiopia. Over the past year episodes of such violence have continued to escalate, particularly between the Amhara and Oromo communities. Oromia regional security forces, the ENDF and the Oromo Liberation Army (OLA) armed group have allegedly committed enforced disappearances and attacks on civilians, including ethnic Amharas. On 18 June at least 400 Amhara civilians were summarily executed by suspected OLA militants in Tole, western Oromia region. From 29-31 August at least 60 people were killed in ethnic-based attacks and reprisals between ethnic Amhara and Oromo people around the town of Obora. In attempts to mitigate the OLA's insurgency, the ENDF have launched repeated airstrikes in Oromia, killing dozens of civilians since October. On 29 September the Ethiopian Human Rights Commission (EHRC) reported that regional security forces in the Gambella region also extrajudicially executed at least 50 civilians and buried them in a mass grave between 14-16 June following clashes with armed groups.

To address the increasing polarization between ethnic groups, on 29 December 2021 the Federal Parliamentary Assembly voted to establish a commission to hold a national dialogue, but the process does not currently include all ethnic armed groups. For years government security forces have been accused of human rights abuses in their fight against armed ethnic militias, many of whom are fighting for autonomy for their group.

RECENT DEVELOPMENTS

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

Violence among ethnic armed groups continued in other parts of Ethiopia. On 7 December the EHRC released a report detailing widespread abuses on civilian populations

in 16 zones of the Oromia region. The report found that hundreds of civilians were killed and at least 100,000 displaced between July and November amidst fighting between different configurations of armed groups, including the OLA and Fano militias, with federal and Oromia regional security forces. The report determined that government forces were responsible for airstrikes on civilian areas and extrajudicial killings of civilians perceived to be supportive of armed groups. The report was released after accounts emerged of new massacres in the Oromia region, including an attack from 25-29 November that residents attributed to Fano militias, which left dozens dead in East Wollega Zone and displaced approximately 350,000 people.

ANALYSIS

Civilians in Tigray, Afar and Amhara remain at risk of further war crimes and crimes against humanity due to repeated violations of IHL and IHRL. Despite the recent cessation of hostilities, risks to populations will continue until the terms of the agreement are fully implemented. Civilians also remain at risk due to the presence of the EDF in Tigray. The EDF have repeatedly been accused of atrocity crimes and Eritrean authorities have allegedly sought to settle decades-old grievances with the TPLF through the collective punishment of Tigrayans. The conflict has also sparked an increase in hate speech between ethnic groups across the country and caused other pre-existing ethnic tensions to flare. Inflammatory statements by regional and federal government leaders, including Prime Minister Abiy Ahmed, may fuel further ethnic conflict.

Ethiopia's ethnic-based federalist system has resulted in widespread allegations of ethnic favoritism, deepening distrust between ethnic groups. Under the former TPLF-dominated ruling coalition, which controlled the government for 27 years prior to Prime Minister Abiy coming to power in 2018, many groups felt marginalized. A history of impunity and lack of effective transitional justice for human rights abuses perpetrated under successive ruling parties has exacerbated these grievances.

Civilians in Oromia also face a heightened risk of atrocities due to the increase in fighting between OLA militants and targeting by the ENDF.

RISK ASSESSMENT

- Fragile peace process requiring ongoing negotiations and credible commitment to its implementation by all parties.
- Pervasive impunity for past and ongoing atrocity crimes.
- Political figures using hate speech and incitement to capitalize on increased politicization of ethnic identity.
- Unresolved inter-communal tensions and the federal government's fight against associated ethnic-based militias.
- Refusal to cooperate with internationally-mandated human rights mechanisms.

NECESSARY ACTION

All parties to the conflict in northern Ethiopia must operate in strict adherence with IHL and ensure the protection of civilians and refugees. While meaningful steps to implement the cessation of hostilities agreement and the unfettered delivery of aid have been taken, the process must continue in good faith. The EDF should immediately withdraw from Ethiopia. The UNSC should impose an arms embargo and sanctions on spoilers to the peace process.

The national dialogue should include all parties to the conflicts in Tigray and elsewhere to holistically address the root causes of recurrent inter-communal and ethnic conflicts.

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

MOZAMBIQUE

Ongoing attacks by the armed extremist group "Al-Shabaab" leave populations in Mozambique at risk of further atrocity crimes.

BACKGROUND

Since October 2017 an armed extremist group, known locally as "Al-Shabaab," has engaged in a violent insurgency in Cabo Delgado, a northern province of Mozambique. Al-Shabaab, which is loosely affiliated with ISIL, has perpetrated indiscriminate attacks against civilians, including extrajudicial executions, beheadings, sexual and gender-based violence, sexual slavery, abductions, recruitment of child soldiers and destruction of civilian infrastructure. More than 6,500 people have been killed and nearly 1 million displaced since October 2017. Mozambican government forces, which have been attempting to combat the group for years, have also been implicated in extrajudicial executions and other violations of IHL that may amount to war

crimes. Fighting between Al-Shabaab and security forces has primarily taken place near Mocímboa da Praia, Palma and other port towns where several major offshore liquified natural gas projects are under development.

In June 2021 the Southern African Development Community (SADC) approved the deployment of a standby force to assist Mozambique in confronting the group. In July 2021, following a request by the Mozambican government, Rwanda also deployed 1,000 troops and police to Cabo Delgado province. Although regional forces have aided the Mozambican government in regaining control of many cities, insurgent activity has continued, particularly in southern parts of Cabo Delgado. In September 2022 SADC revised its operation, shifting toward a multidimensional operation with greater focus on peacebuilding and strengthening governance.

In early June 2022 insurgents launched an offensive against the Ancuabe, Chiure and Mecufi districts in Cabo Delgado. Since then, recurrent attacks in Ancuabe and Chiure have displaced over 83,000 people, mainly women and children. Sporadic raids, characterized by killing civilians and burning buildings, are ongoing in Cabo Delgado, and violence has also spilled over into Nampula province, displacing 12,000 people in September alone. Until the end of 2022 insurgent activity centered on Macomia and Muidumbe districts.

Insecurity in northern Mozambique continues to prevent humanitarian aid from reaching vulnerable populations. At least 1.5 million people in northern Mozambique need life-saving humanitarian assistance and protection.

Mozambique has a history of atrocities stemming from its 1977-1992 civil war, during which approximately 1 million people died. War crimes and crimes against humanity were perpetrated by the armed rebel group, Mozambican National Resistance (RENAMO). The armed forces of the ruling Front for Liberation of Mozambique (FRELIMO) also perpetrated war crimes. A peace agreement was signed in 1992, but low-level conflict resumed between the two groups from 2013 and 2018.

RECENT DEVELOPMENTS

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

While insurgent activity has decreased since the start of January, sporadic attacks have continued to occur in Cabo Delgado's Mueda, Montepuez and Meluco districts. Over 300,000 people have returned to their homes after being displaced by the violence. Despite this, large areas of Nangade, Muidumbe, and Macomia districts remain ungovernable and are at risk of attack.

In January Mozambique began its term on the UNSC for the period of 2023-2024.

ANALYSIS

Since 2020 Al-Shabaab has sporadically intensified its attacks in waves of violence. Although the regional military offensive initially reduced insurgent activity, populations faced a heightened risk of atrocities amid renewed attacks in 2022. The recent decrease in insurgent activity coincides with the rainy season, which lasts from November to April. Displaced civilians remain at risk as they increasingly return to their areas of origin in Cabo Delgado despite ongoing insecurity.

The discovery of liquified natural gas off the coast of Mozambique brought hope for a boost to the country's economy but was accompanied by increased allegations of government corruption and economic impropriety. Al-Shabaab has exploited local grievances and popular discontent over corruption and poverty to recruit fighters.

RISK ASSESSMENT

- History of atrocity crimes perpetrated by extremist groups and government forces.
- Restricted government capacity to target extremist groups and respond to atrocity crimes.
- Widespread displacement of civilians.
- Local grievances regarding social and economic exclusion, as well as foreign and elite exploitation of local resources.
- Disregard for human rights protections during counterterrorism operations.

NECESSARY ACTION

Mozambique's security forces and their regional partners should ensure the protection of civilians and IDPs in Cabo Delgado and Nampula, including through increasing patrols in areas vulnerable to attack. All military operations against Al-Shabaab must be carried out with strict adherence to international law and utilize tactics that mitigate civilian harm. Authorities should prosecute high-level Al-Shabaab members. Mozambican authorities and the SADC should investigate the circumstances of the incident of soldiers burning bodies.

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

Neighboring states must respect international refugee law and provide protection to populations fleeing atrocities.

SOUTH SUDAN

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

BACKGROUND

Political instability and armed conflict have been pervasive in South Sudan for the majority of its 11.5 years of independence, including bouts of inter-communal violence and a civil war that started in 2013. Between December 2013 and April 2018 an estimated 400,000 people were killed as government forces and armed opposition groups clashed and perpetrated war crimes and crimes against humanity. Despite the signing of peace agreements in August 2015 and September 2018, atrocity crimes continued. Both sides have been accused of targeting civilians along ethnic lines, extrajudicial killings, widespread sexual and gender-based violence and child recruitment, as well as large-scale destruction of civilian property.

On 12 September 2018 a Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), brokered by the Intergovernmental Authority on Development (IGAD), was signed by the parties to the conflict – including President Salva Kiir and former Vice President and opposition leader Riek Machar – formally ending the civil war. The subsequent formation of the Transitional Government of National Unity (TGoNU) in 2020 provided an opportunity to address divisions in the country and to support sustainable solutions to the conflict. However, bitter disagreements between and within parties of the TGoNU on how to implement the R-ARCSS have led to widening divisions and further exacerbated tensions at the local level. Upon request by the TGoNU, the UN Peacebuilding Commission has been supporting efforts to address peacebuilding challenges related to the implementation of the R-ARCSS since 2022.

In recent years, inter-communal violence and attacks by community-based militias have resulted in increasing civilian casualties. Cattle raiding and revenge killings, as well as increased resource competition between herding and farming communities, have triggered violent clashes. Senior political and military leaders continue to manipulate long-standing enmities between rival ethnic communities.

In several parts of the country, tensions between the two main political parties, the Sudan People's Liberation Movement and the SPLM-In Opposition, over access to resources and political appointments have also culminated in violent clashes and triggered serious human rights violations, including widespread sexual violence, particularly against women and girls. The HRC-mandated Commission on Human Rights in South Sudan (CHRSS) has repeatedly warned of an escalation of violence and the need for urgent attention to the implementation of the peace agreement.

According to OCHA, over 9.1 million people – more than two thirds of the population – need humanitarian assistance. An estimated 2.2 million people remain internally displaced and 2.27 million have fled to neighboring countries. South Sudan is one of the most dangerous countries for humanitarian workers, with more than 141 killed since 2013.

The UNSC has subjected eight people to targeted sanctions since 2015 and imposed an arms embargo since 2018.

RECENT DEVELOPMENTS

The onset of the dry season in December has been characterized by increased violence and atrocities, including clashes between armed groups in northern Jonglei and Upper Nile states, inter-communal violence in northern Warrap, and ongoing cattle raids and migration-related conflicts in the Equatorias. During December ensuing fighting between youth groups from the Nuer and Murle communities resulted in at least 57 people killed and 30,000 displaced in the Greater Upper Nile region. The UN Mission in South Sudan (UNMISS) documented a sharp rise in violence at the end of 2022, with an 87 percent increase in the number of civilians harmed compared to the same period in 2021. According to the UN High Commissioner for Human Rights, at least 166 civilians were killed in clashes in Upper Nile State between August and 14 December 2022.

UNMISS reported in December that inter-communal conflict continues to fuel repeated cycles of violence, potentially eroding the gains made toward sustaining peace across South Sudan. OCHA reported that the clashes have exacerbated the humanitarian situation as the most vulnerable, including women, children, the elderly and disabled, are bearing the brunt of the prolonged crisis.

The TGoNU made some progress in the political process during December 2022, such as the passing of the Constitution Making Process Act and the ratification of the Roadmap by the Transitional National Legislature. However, key challenges

remain, including justice and accountability measures to address past atrocities. While national elections were initially scheduled for 2022, the TGoNU has repeatedly extended the transitional period and delayed elections.

ANALYSIS

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

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

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

RISK ASSESSMENT

- Situation of armed conflict and other forms of instability, including a security crisis caused by, among other factors, delays in implementing peace agreements and inexistence of a unified army under national command.
- Policy or practice of impunity for or tolerance of serious violations of IHL and IHRL, of atrocity crimes or of their incitement.
- Weak state institutions and lack of capacity to prevent atrocity crimes and address inter-communal and political tensions.
- Past and present serious tensions and conflicts between communities, the mobilization of armed groups along ethnic lines and the politicization of past grievances.
- Capacity to commit atrocity crimes, including availability of personnel, arms and ammunition.

NECESSARY ACTION

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

The international community should exert increased diplomatic pressure on all parties to the R-ARCSS to ensure its full implementation. The UNSC must impose further targeted sanctions against any individuals who undermine the peace process. The AU, IGAD and neighboring countries should actively enforce the existing arms embargo.

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

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

SUDAN

Populations in Sudan are at risk of atrocity crimes due to escalating inter-communal and localized violence. Ongoing political instability and the use of lethal force against civilians by security forces and affiliated militias also pose a threat to populations.

BACKGROUND

Inter-communal and localized violence in Sudan's Darfur and Kordofan regions and Blue Nile State has escalated since October 2021, resulting in civilian casualties, destruction of property and human rights violations. During 2022 at least 991 people were killed and more than 310,300 displaced due

to inter-communal violence in Darfur, Kordofan and Blue Nile states, according to OCHA. The UN Secretary-General also reported that 524 security incidents were recorded between 21 August and 17 November 2022, including those resulting from inter-communal violence, armed conflict and criminality. Tensions in these regions increased following the termination of the UN Hybrid Operation in Darfur (UNAMID) in December 2020 and the re-deployment of security forces to Khartoum and other cities following a 2021 military coup.

Under the leadership of General Abdel Fattah al-Burhan, on 25 October the military in Sudan overthrew and dissolved the joint civilian-military transitional Sovereign Council. At the time of the coup, General Burhan had been serving as the head of the Sovereign Council, which had come to power in August 2019 after country-wide protests brought an end to then President Omar al-Bashir's 30-year rule that April.

Since the coup, millions of protesters have demonstrated across the country, demanding the reinstatement of a genuine civilian-led government. While attempting to curb the ongoing demonstrations, security forces have been accused of repeatedly using excessive and deadly violence against protesters, including tear gas and lethal weapons, such as AK-47 assault rifles and machine guns. Security forces have also perpetrated sexual and gender-based violence. At least 124 people have been killed and thousands injured by security forces while hundreds of protesters have also been unlawfully detained and dozens forcibly disappeared.

Following the 2021 coup, the AU suspended Sudan. Several states and multilateral organizations, including the US, World Bank and International Monetary Fund, paused foreign aid and halted disbursements. On 5 November 2021 the HRC held a special session and adopted a resolution that designated an Expert on Human Rights to monitor and report on the situation in Sudan.

The violence in the Darfur and Kordofan regions and Blue Nile State has deep historical roots. For decades, the Arab-dominated government imposed its control on ethnic minorities, exploited ethnic divisions and armed Arab militias, resulting in deadly conflicts. During his dictatorship, former President Bashir and other government officials were responsible for crimes against humanity, war crimes and acts of genocide. The UNSC has imposed an arms embargo on Darfur since 2004 and sanctions on three individuals since 2006. Following a 2005 UNSC referral, the ICC has issued arrest warrants for three Sudanese officials, including Bashir and two anti-government militia leaders, for atrocities perpetrated in Darfur. On 5 April 2022 the ICC opened the trial of the former Janjaweed leader, Muhammad Ali Abd-Al-Rahman (Ali Kushayb) – the Court's first trial concerning potential war crimes and crimes against humanity committed in Darfur.

RECENT DEVELOPMENTS

Fighting has increased in scope and expanded to new areas in Blue Nile State. During January various attacks between a diversity of communities were reported, including in North and West Darfur and West and South Kordofan, resulting in civilians being killed, injured and displaced.

The Trilateral Mechanism – a group consisting of the UN Integrated Transition Assistance Mission in Sudan (UNITAMS), the AU and IGAD – has been mediating between parties in an attempt to restore a civilian government. On 7 January 2023 the Sudanese military and civilian leaders launched the final phase in the political process toward restoring a civilian-led transition.

On 23 January the Chief Prosecutor of the ICC reported to the UNSC that cooperation between the Court and Sudanese authorities has deteriorated. The Memorandum of Understanding signed during the Prosecutor's visit to Khartoum in 2022 remains outstanding and new administrative hurdles, including issuing visa for ICC staff, have emerged.

ANALYSIS

With more than 500 different ethnic groups in Sudan, inter-communal clashes involve a wide and diverse set of communities. The root causes of inter-communal violence and tensions stem from competition over shrinking resources and pastoral land, decades of political manipulation and a culture of impunity for atrocity crimes. The consequent risk of attacks, killings and sexual violence has been exacerbated by the proliferation of weapons throughout the country. Local authorities lack the capacity and resources to ensure the protection of civilians, and state institutions have been weakened by the protracted conflict.

While the ousting of Bashir and the subsequent peace process provided an opportunity to begin addressing the root causes of the conflict, as well as the risk of further hostilities and recurring atrocity crimes in Darfur, South Kordofan and Blue Nile states, communities have been left vulnerable to attack. The security situation was further exacerbated after the 2021 coup, creating a security vacuum in Darfur and other peripheral regions. More than a year after the coup, demonstrators and other populations continue to face grave human rights violations that may amount to atrocities. While the Sovereign Council and the leaders of the Sudan Revolutionary Front – a coalition of armed groups from Darfur, South Kordofan and Blue Nile – signed a historic peace agreement (Juba Agreement) in October 2020, the Sudanese military's limited progress on implementing relevant provisions has stalled peacebuilding efforts.

Security forces in Sudan have a history of violent crackdowns on protests and dissent. During mass demonstrations against military rule between December 2018 and August 2019, security forces killed more than 200 people and arrested

thousands. Mohamed Hamdan "Hemedti" Dagolo, a member of the Sovereign Council involved in the 25 October coup, is implicated in atrocities committed as commander of the paramilitary RSF during the decades of conflict in the Darfur region and beyond.

RISK ASSESSMENT

- Political instability caused by abrupt or irregular regime change or transfer of power and widespread mistrust in state institutions.
- Security crisis caused by scarcity of resources or disputes over their use or exploitation.
- Past or present serious discriminatory, segregationist, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Continuation of support to groups accused of involvement in serious violations of IHRL and IHL, including atrocity crimes, or failure to condemn their actions.
- Absence of reconciliation or transitional justice processes following conflict and atrocities.

NECESSARY ACTION

The Sudanese authorities need to urgently implement the National Plan for the Protection of Civilians and the Juba Peace Agreement in order to provide safety and security for civilians in the Darfur, Blue Nile and Kordofan regions.

Security forces should protect the fundamental right to peaceful assembly and refrain from using excessive and deadly force against protesters. All those unlawfully detained or placed under house arrest should be released immediately. The international community should support and invest in a credible political transition that respects the people's desire for democracy. The UNSC must continue to closely monitor the precarious security situation in Sudan and call upon the Sudanese authorities to restore a credible civilian-led government.

YEMEN

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

BACKGROUND

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

On 2 April 2022 parties to the conflict commenced a truce brokered by the UN Special Envoy for Yemen, Hans Grundberg, which was renewed twice but expired on 2 October. In the months preceding the truce, armed hostilities and indiscriminate bombing had dramatically escalated. Between October 2021 and April 2022 the Saudi/UAE-led coalition perpetrated the highest rate of air raids since before the December 2018 Stockholm Agreement. Missiles and airstrikes across numerous governorates targeted and destroyed civilian objects, including water reservoirs, hospitals and telecommunications towers. Over 1,100 civilians were killed or injured between January 2022 and the start of the truce, including 471 as a result of coalition airstrikes.

This surge in civilian casualties and hostilities immediately followed the HRC's failure to renew the mandate of the Group of Eminent Experts (GEE) on 7 October 2021, terminating the only international independent mechanism dedicated to monitoring international law violations in Yemen. From 2018-

2021 the GEE documented a pattern of violations and abuses of international law perpetrated by all parties to the conflict that may amount to war crimes, including indiscriminate airstrikes and shelling, torture, arbitrary detention and sexual and gender-based violence. The GEE alleged that Canada, France, Iran, the UK and the US may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict. The abrupt termination of the GEE followed heavy diplomatic and political pressure from Saudi Arabia.

The UN has also recorded evidence of parties to the conflict perpetrating grave violations against children, including recruitment and use of children in armed hostilities, killing and maiming of children and attacks on schools. The UN recorded 2,748 grave violations affecting over 800 children in Yemen in 2021, consistent with patterns of violations from previous years. In April 2022 the Houthis signed an Action Plan with the UN to commit to end and prevent grave violations against children.

The UNSC-mandated Panel of Experts on Yemen has also reported that since 2015 arbitrary arrests and detention, enforced disappearances, ill-treatment and torture of detainees have been conducted by the governments of Yemen and Saudi Arabia, as well as the Houthis, STC and forces affiliated with the UAE. The Panel reported in January 2022 that over 2,000 children recruited by the Houthis have died in combat since 2020. The UNSC imposed financial sanctions and travel bans on former President Ali Abdullah Saleh and Houthi leaders for the first time in November 2014. On 14 April 2015 the UNSC established an arms embargo on Houthi leaders and individuals acting on their behalf or under their direction. On 28 February 2022 the UNSC altered the arms embargo to include the Houthis as an entity subject to the embargo measures.

The crisis in Yemen has been ongoing for over 20 years, but dramatically escalated during 2014 when, amidst a UN-facilitated political transition process, Houthi forces and military units loyal to former President Ali Abdullah Saleh took control of numerous governorates in Yemen, including the capital Sana'a, and forced then President Abd Rabbu Mansour Hadi and his government to resign. On 26 March 2015 the Saudi/UAE-led coalition launched a military intervention in Yemen to restore the internationally recognized government of President Hadi, who had fled to Riyadh, Saudi Arabia, but rescinded his resignation in September 2015 and returned to Aden. There have been several unsuccessful attempts at ceasefires and truces since the start of the conflict. The only successful negotiated settlement throughout the crisis is the Stockholm Agreement, which ended a period of rampant atrocities and staggering civilian casualties in and around Hodeidah governorate following an offensive led by the Yemeni government and the Saudi/UAE-led coalition.

RECENT DEVELOPMENTS

The six-month truce from April to October 2022 – the first negotiated country-wide ceasefire since 2016 – included a cessation of all attacks, the entry of fuel ships in Hodeidah ports and the operation of commercial flights in and out of Sana'a airport. During the ceasefire, civilian casualties significantly decreased and no coalition airstrikes were recorded, though some ground and artillery attacks continued. Despite the truce, civilians were still subjected to violations and abuses of human rights, including enforced disappearances, torture and sexual violence.

At the time of publication there has not been a significant escalation in hostilities and airstrikes since the truce expired, however, hundreds of civilians have still been killed or injured since October.

ANALYSIS

While the reduction of hostilities provides tangible relief to civilians in Yemen, large-scale atrocity risks remain until a permanent truce and inclusive negotiated peace settlement are reached and extensive justice and accountability efforts, including reparations to victims, are advanced. Previous ceasefires and attempted negotiations between parties to the conflict have been unsuccessful.

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

RISK ASSESSMENT

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

NECESSARY ACTION

All parties to the conflict should fully recommit to the terms of the UN-brokered country-wide truce, as well as make every

effort to implement the terms of an expanded truce proposal and reach a negotiated end to the protracted conflict. UN Special Envoy Grundberg should broaden the negotiations to include all relevant parties to the conflict and other key groups in Yemen, as well as ensure that accountability and justice feature prominently in the peace process.

The government of Yemen should allow access to representatives from OHCHR and ensure that all potential war crimes and crimes against humanity are properly investigated and prosecuted. All parties to the conflict – with assistance from the international community – must ensure the provision of reparations to all victims of international crimes. UN member states should urgently work to establish a new criminal justice-focused mechanism to advance accountability and reparations for perpetrators of war crimes and crimes against humanity. The UNSC should refer the situation in Yemen to the ICC.

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

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

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

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

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

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