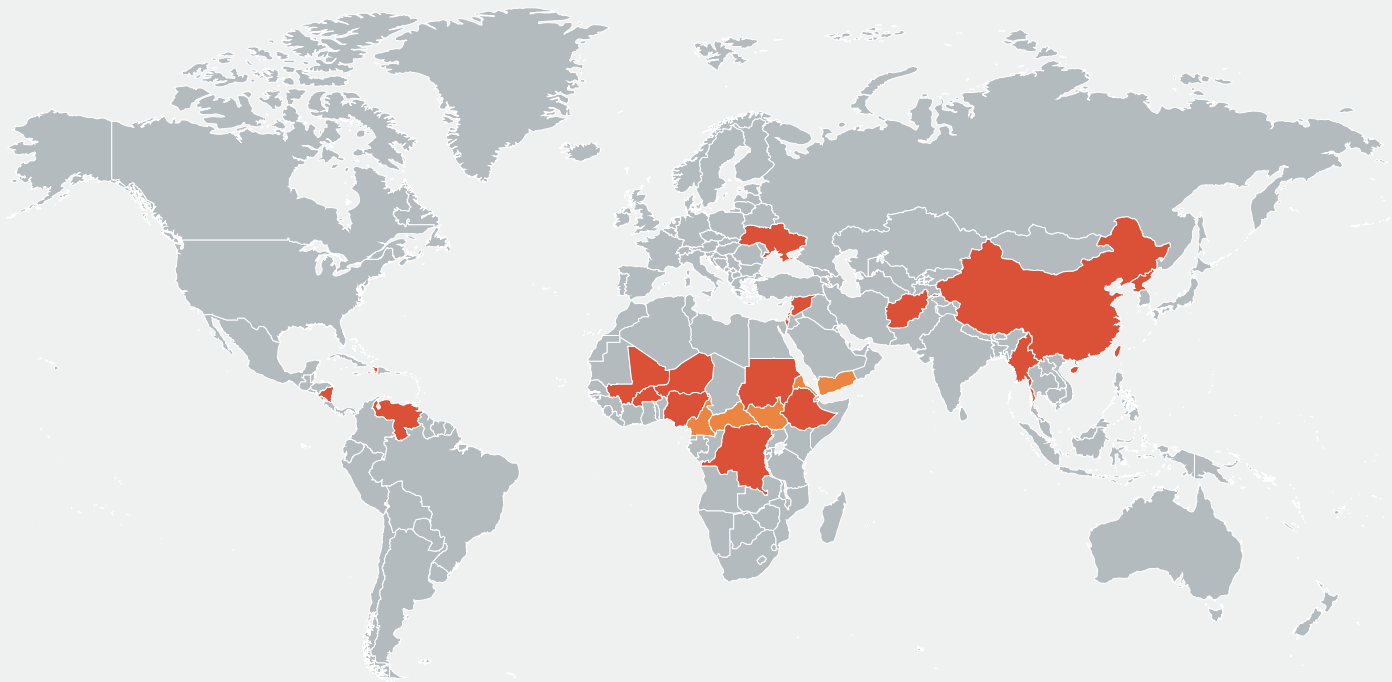


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R2P Monitor applies an atrocity prevention lens to the following situations of concern:

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

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

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AFGHANISTAN

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

BACKGROUND

Since Taliban forces effectively overthrew the Afghan government in August 2021, the Taliban and various armed groups, including the so-called Islamic State in Iraq and the Levant-Khorasan (ISIL-K), have committed widespread and systematic human rights violations and abuses throughout the country.

The Taliban de facto authorities have imposed severe restrictions on fundamental rights and access to civic and public space. The Taliban have implemented restrictive policies and practices that deny women and girls their human rights and fundamental freedoms, perpetuating extreme forms of gender-based discrimination and flagrantly violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Sweeping repressive edicts and decrees targeting women and girls severely limit freedom of movement, freedom of opinion and expression, employment opportunities, political and public representation and access to education and healthcare. Women's rights activists and human rights defenders have also faced targeted killings, enforced disappearances, incommunicado detention, attacks and harassment. According to a June 2023 joint report by the UN Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, the Taliban de facto authorities may be perpetrating gender persecution and gender apartheid as they appear to be governing through systematic discrimination with the intent to subject women and girls to total domination. Afghanistan is the only country in the world that bans women from working for international organizations, including the UN.

The Human Rights Service of the UN Assistance Mission in Afghanistan (UNAMA) verified over 3,774 civilians killed or wounded from 15 August 2021 to 30 May 2023, mostly in deliberate attacks. Many of these attacks were attributed to ISIL-K, and over 1,218 of the documented civilian casualties occurred in attacks with improvised explosive devices (IEDs) on places of worship, which have been increasingly targeted since the Taliban took over. ISIL-K frequently claims attacks that target Shia Hazara, other Shia Muslims, Sufi Muslims, Sikhs and other minorities. The UN Special Rapporteur reported in September 2022 that attacks against ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, likely amounting to crimes against humanity. Individuals from ethnic and religious minority communities have been arbitrarily arrested, tortured, summarily executed and forced to flee.

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

The people of Afghanistan are enduring a severe humanitarian crisis, compounded by the impact of sanctions and the freezing of state assets. On 22 December 2021 the UN Security Council (UNSC) adopted Resolution 2615, allowing for humanitarian aid to flow into Afghanistan without violating UN sanctions against the Taliban, which have been in place since 2011. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), two-thirds of Afghanistan's population need humanitarian aid to survive.

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

investigation, including acts committed by Afghan national security forces, US forces and the CIA.

RECENT DEVELOPMENTS

Since 1 January 2024 UNAMA has documented a series of arbitrary arrests and detentions of women and girls by the Taliban on the basis of alleged non-compliance with the imposed “Islamic dress code.” Women and girls, particularly those from ethnic and religious minority communities, have reportedly been forcibly taken into police vehicles and subsequently arbitrarily detained, held incommunicado and subjected to ill-treatment.

Ethnic and religious minorities, particularly the Shia Hazara, continue to be systematically targeted, including through regular attacks in Dasht-e-Barchi. Attacks with IEDs on minibuses in January killed several civilians.

ANALYSIS

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

The Taliban de facto authorities frequently target journalists, civil servants, human rights defenders and those affiliated with the former Afghan government with violations that appear to be perpetrated on a widespread and systematic basis. Targeted attacks are largely unreported due to the Taliban’s continued crackdown on independent media and a closed civic space. There are currently no independent national bodies to document human rights violations due to the dismantling of key institutions, including the Afghan Independent Human Rights Commission and the Office of the Attorney General.

Efforts by the Taliban to exclude women and girls from social, economic and political spheres, including the institutionalized large-scale and systematic gender-based discrimination and violence against them, likely amounts to gender persecution, a crime against humanity. Continued restrictions on fundamental freedoms and a culture of impunity for human rights violations and abuses creates an enabling environment for more severe violations of international law and further atrocity crimes.

RISK ASSESSMENT

Decades of serious violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL), as well as impunity for those crimes.

Institutionalized large-scale and systematic gender-based discrimination by Taliban de facto authorities against women and girls.

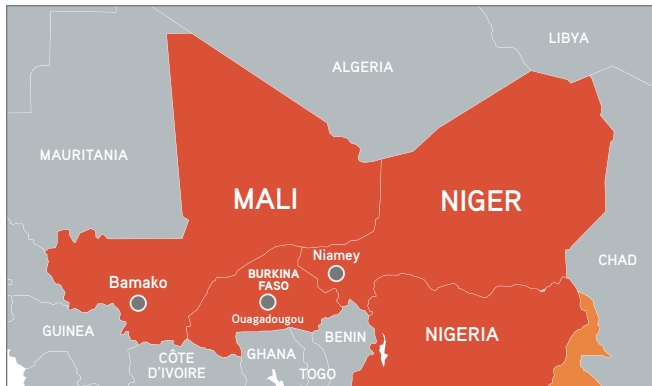
- Widespread and systematic targeted attacks perpetrated by ISIL-K and the de facto authorities against ethnic and religious minorities.
- Lack of independent media and crackdown on civil society and human rights defenders.
- Weakness of state structures to protect vulnerable populations and an unwillingness of the de facto authorities to uphold obligations under international law.

NECESSARY ACTION

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

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

The international community should continue to pursue justice for likely atrocity crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. Ongoing investigations at the ICC should include the crime against humanity of gender persecution. All UN member states should ensure that UNAMA’s Human Rights Service is sufficiently resourced to carry out its full mandate.



CENTRAL SAHEL

Recurrent violence perpetrated by armed Islamist groups, as well as security operations to confront them, threaten populations in the Central Sahel – Burkina Faso, Mali and Niger – with violations that may amount to crimes against humanity and war crimes.

BACKGROUND

During 2012 Tuareg separatists and armed Islamist groups seized territory in northern Mali following a military coup. Despite numerous security initiatives over the past decade, including the presence of international forces and a UN peacekeeping operation (MINUSMA), the conflict shifted into inter-communal violence and attacks by armed Islamist groups. Recurrent violence perpetrated by such groups – including those affiliated with al-Qaeda and the so-called Islamic State in the Greater Sahara – subsequently spread into neighboring Burkina Faso and Niger, threatening populations across the Central Sahel with violations that may amount to crimes against humanity and war crimes. According to the Armed Conflict Location & Event Data Project (ACLED), over 12,000 people were killed, most of them civilians, in 2023. At least 3 million people are internally displaced in the region, including more than 2.1 million in Burkina Faso alone.

For more than five years armed Islamist groups across the Central Sahel have systematically used sieges, threats, kidnapping, IEDs and landmines as deliberate tactics of war as they seek to control supply routes and increase areas of influence. In Burkina Faso, over 1 million people are living in areas fully or partially besieged by armed groups and face daily threats of violence. According to Amnesty International, al-Qaeda affiliated Ansaroul Islam and other armed groups are enforcing sieges in at least 46 localities and committing war crimes. Across the region, armed Islamist groups are imposing “zakat” (forced taxation) and strategically destroying and looting civilian objects, including places of worship, health centers, food reserves, water services and bridges, and have targeted humanitarian workers. Violence has also taken place between

rival ethnic militias and community-based self-defense groups resulting in reprisal attacks and countless abuses.

Ongoing insecurity has a devastating impact on children. During 2023 Niger was added as a situation of concern to the UN Secretary-General’s annual report on children and armed conflict given the gravity and number of violations reported in 2022. Armed Islamist groups across the region have routinely targeted secular state education, burning schools and threatening, abducting or killing teachers. School closures increased nearly sixfold between 2019 and 2023, from 1,700 to more than 9,000.

Counterterrorism operations have often led to human rights violations and abuses that likely amount to war crimes. Malian Armed Forces (FAMA) and allied mercenaries from the Wagner Group (rebranded as Africa Corps) have perpetrated possible war crimes and crimes against humanity during counterterrorism operations since December 2021, including summary executions, rape, sexual violence and torture against civilians. A July 2023 report by the then UNSC-mandated Panel of Experts on Mali warned that FAMA troops and mercenaries are allegedly perpetrating systematic sexual violence and other grave abuses to spread terror. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes along ethnic lines, particularly targeting the Fulani community. According to Human Rights Watch, the Burkinabé military killed at least 60 civilians in drone strikes between August and November 2023.

The region has faced significant political and security upheaval in recent years. Both Mali and Burkina Faso have each undergone two military coups since 2020 and in July 2023 a military coup occurred in Niger. On 16 September Burkina Faso, Mali and Niger created the Alliance of Sahel States (AES), a collective security arrangement, and decided to withdraw from the Economic Community of West African States (ECOWAS) in January 2024.

Despite the deterioration of the situation in Mali during 2023, the UNSC sanctions regime, the mandate of the Panel of Experts and MINUSMA were terminated.

RECENT DEVELOPMENTS

According to OCHA, in October and November 2023 alone, nearly 700 civilians were killed, nearly double the rate reported in September. Large-scale attacks by armed Islamist groups and intensifying clashes between militants and national security forces, particularly in Mali and Burkina Faso, continued to expose civilians to significant risk.

Since August the FAMA, accompanied by mercenaries, have clashed with the Permanent Strategic Framework (CSP), a collection of armed movements that were signatories to

the 2015 Algiers Agreement, with violence extending to Timbuktu, Gao and Kidal. On 25 January 2024 the Malian military authorities announced the immediate termination of the Algiers Agreement. According to ACLED, Wagner mercenaries have been involved in the indiscriminate killing of hundreds of civilians, destruction of civilian infrastructure and looting of property.

There has been an increase in activity by armed Islamist groups since the coup in Niger. Consequently, the military has launched ground operations and airstrikes, which have resulted in civilian casualties. Airstrikes targeting suspected members of armed groups reportedly killed at least 15 civilians in Tyawa, Tillabéri region, from 5-6 January 2024.

In April 2023 Burkina Faso authorities announced a “general mobilization” of the military in a purported effort to curtail the spread of violence and recapture territory lost to armed Islamist groups. Burkina Faso authorities are abusing this law by forcibly conscripting dozens of perceived critics and activists in counterinsurgency operations. The abductions may amount to enforced disappearances. Following the forcible disappearance of prominent human rights defender Dr. Daouda Diallo on 1 December, the African Commission on Human and Peoples’ Rights (ACHPR) condemned the acts of intimidation, harassment and reprisals human rights activists and defenders are increasingly facing.

ANALYSIS

While Burkina Faso, Mali and Niger each face distinct challenges, these states also share a legacy of structural vulnerabilities, weak governance, limited state presence and porous borders. The AES will struggle to curb widespread insecurity due to overstretched military forces and limited resources, as well as the failure to address root causes of violence. While the military authorities in each country have expressed a goal of advancing security to protect civilian lives, risks to civilians have amplified, the security situation has deteriorated and longstanding alliances have been dismantled.

The expanded area of influence and/or control by armed Islamist groups has resulted in war crimes and serious human rights abuses. Armed Islamist groups appear to be deliberately targeting civilians as a tactic to pressure communities into cooperation or forcibly displace them. The UN Commission of Inquiry (CoI) on Mali has previously implicated armed Islamist groups in crimes against humanity and war crimes.

Populations continue to be targeted and persecuted on the basis of their ethnic and/or religious identity. The reliance on VDPs has fueled abuses and resulted in increasing attacks against villages that armed Islamist groups accuse of supporting the militias. The growing use of aerial weapons during counterinsurgency operations has contributed to indiscriminate violence, civilian harm and possible war crimes.

The full withdrawal of MINUSMA as of 31 December has raised grave concerns regarding civilian protection, as well as independent human rights monitoring and reporting. The unprecedented fighting in northern Mali, as well as termination of the peace agreement, poses significant threats.

RISK ASSESSMENT

- Militarized approach to counterinsurgency stigmatizes certain populations and increases risk of escalatory dynamics.
- Unresolved long-standing inter-communal tensions and grievances and the use of militias and self-defense groups that perpetrate attacks along ethnic lines.
- Impunity for large-scale atrocities perpetrated by armed Islamist groups and ethnic militias, as well as national militaries and mercenaries.
- Political instability caused by irregular regime changes.
- Shrinking civic space and crackdown on independent media, human rights defenders and real or perceived opponents as the military regimes consolidate power.

NECESSARY ACTION

While countering violent extremism remains crucial, it is essential that all armed actors ensure that their operations comply with IHL and do not exacerbate inter-communal tensions or fuel further violence. All actors should refrain from supporting or collaborating with ethnically aligned militias with poor human rights records.

Additional measures must be implemented to end the proliferation of arms and improve land management and local governance in areas where atrocity risks are greatest. Authorities should support local reconciliation, dialogue and peacebuilding initiatives. Malian authorities and the CSP should take steps toward de-escalation, including agreeing on an immediate truce and a lasting ceasefire.

The military authorities of the Central Sahel – with support from national human rights commissions, ACPHR and OHCHR – should investigate all violations and abuses of IHL and IHRL. The authorities must end the intimidation and harassment of civil society, including human rights defenders, national and international journalists and dissenting voices.

The international community should increase funding to community-based protection networks to ensure capacity for continued monitoring and reporting of atrocity risks following MINUSMA’s withdrawal.



CHINA

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

BACKGROUND

Under the guise of combating religious extremism, in recent years Chinese authorities in the so-called Xinjiang Uyghur Autonomous Region (the Uyghur Region) have increased persecution of the ethnic Uyghur community, as well as Kazakhs, Kyrgyz and other predominantly Muslim and/or Turkic groups. While China has perpetrated repressive campaigns against these groups for several decades, abuses have significantly escalated since 2017 when authorities in the Uyghur Region passed the “Regulation on De-extremification,” which imposed severe restrictions on religious freedom and practice, including through preventing individuals from praying, growing beards or playing Uyghur music.

Since 2017 Uyghurs and other predominantly Muslim and/or Turkic groups have been subject to mass arbitrary detention, often accompanied by widespread rape, sexual abuse and torture, as well as coercive campaigns to reduce birth rates, including through forced abortions and sterilizations. UN experts have warned that the Chinese government has exponentially increased policies in recent years that allow for the forcible transfer of children to state-run orphanages or boarding schools.

More than 100,000 Uyghurs are also working under conditions that strongly suggest forced labor. Reports have identified at least 135 detention facilities in the Uyghur Region that have on-site factories where detainees are allegedly forced to work. In November 2021 the Helena Kennedy Centre for International Justice reported that over 100 international brands may be tied to Uyghur forced labor-produced cotton while the Coalition to End Forced Labour in the Uyghur Region has found that 45 percent of the world’s polysilicon comes from the Uyghur Region, implicating nearly the entire global solar panel industry.

Forced labor is also tied to the agricultural, aluminum and automobile sectors.

The governments of Canada, the United Kingdom (UK) and the European Union (EU) have sanctioned Chinese government officials and taken steps to ban goods tied to Uyghur forced labor. The US government’s Uyghur Forced Labor Prevention Act, which took effect in June 2022, prevents the import of goods made “in whole or in part” in the Uyghur Region from entering the country. While this has impacted the entry of electronics, pharmaceuticals and clothing, it has minimally impacted other industries with complex supply chains and weak regulation, such as the country’s fishing industry, which continues exports to the US and Europe.

The expansion of detention and labor facilities has coincided with increased restrictions on religious practice. According to the Uyghur Human Rights Project, at least 1,046 imams and other religious figures from the Uyghur Region were detained in camps or imprisoned between 2014 and 2021, and Uyghurs around the world face intense surveillance. Authorities have also engaged in the systematic destruction of Uyghur cultural heritage as a part of policies to Sinicize religion. In recent years, the state-led crackdown on Islam has expanded beyond the Uyghur Region, including through the destruction and repurposing of mosques and other Islamic venues in Ningxia and Gansu – areas home to China’s largest Muslim population outside of the Uyghur Region.

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

Former UN High Commissioner for Human Rights Michelle Bachelet released a report on the human rights crisis in the Uyghur Region in August 2022. The report determined that the extent of arbitrary and discriminatory detention of Uyghurs and other predominantly Muslim and/or Turkic groups may constitute crimes against humanity, and that conditions remain in place for serious human rights violations to continue. In November 2022 the Committee on the Elimination of Racial Discrimination (CERD) adopted a decision under its “early warning and urgent action procedure” and referred the situation to the UN Office on Genocide Prevention and the Responsibility to Protect.

RECENT DEVELOPMENTS

During a surprise visit to the Uyghur Region on 26 August, President Xi Jinping condoned the government’s discriminatory practices, including through deepening efforts in controlling purported “illegal religious activities” and continued counterterrorism measures. Following a visit in mid-August by a

25-state delegation from the Organization of Islamic Cooperation (OIC), Chinese media quoted some representatives as having praised the region's prosperity and development.

More than 160 governments participated in China's Universal Periodic Review (UPR) on 23 January 2024. Twenty cross-regional delegations specifically called on the government to implement recommendations issued by the UN human rights system, including the High Commissioner's August 2022 report.

In February the Chinese government further expanded regulations to restrict freedom of religion in the Uyghur Region, including through bolstering local surveillance powers and tightening control over religious education and places of worship.

ANALYSIS

The widespread and systematic persecution of Uyghurs and other predominantly Muslim and/or Turkic groups, including enforced disappearances, forcible transfers, large-scale detention, torture, forced sterilization, sexual violence and denial of information regarding the fate of persons in state custody, likely constitute crimes against humanity.

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

The systematic destruction of cultural heritage aims to erase the history and identity of Uyghurs and other groups. The imposition of strict control over populations, including with mass surveillance, has turned the Uyghur Region into a de facto police state.

The statements made by governments during China's UPR which highlighted the country's abysmal rights record help counter the government's efforts to shield itself from international scrutiny. The Chinese government has responded to increasing international scrutiny by engaging in systematic reprisals against human rights defenders cooperating with the UN system.

RISK ASSESSMENT

• A history of institutionalized discrimination due to real or perceived threats posed by Uyghurs and other predominantly Muslim and/or Turkic groups.

• Dangerous rhetoric used by the Chinese government to depict Uyghurs and other predominantly Muslim and/or Turkic groups as terrorists.

• Widespread or systematic practices or violence against the lives, freedom or physical and moral integrity of a protected group, including policies that indicate an intent to erase and/or forcibly assimilate populations in the Uyghur Region.

• Attacks against or the destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property.

NECESSARY ACTION

The government of China should cease the ongoing systematic repression of Uyghurs and other predominantly Muslim and/or Turkic groups, the practice of forced labor and separating Uyghur children from their families and the deliberate destruction of Uyghur cultural heritage, as well as repeal the "Regulation on De-extremification." All of the recommendations issued by OHCHR should also be implemented.

Relevant UN experts, including the High Commissioner for Human Rights, should prioritize monitoring of the region and provide regular information to member states, including by providing an update to OHCHR's report from 2022. Following China's UPR, governments should revitalize discussions on tangible follow-up measures at the UN Human Rights Council (HRC) to ensure formal public discussions on ongoing atrocity crimes in the Uyghur Region.

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



DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Crimes against humanity continue to be committed in the Democratic People's Republic of Korea by state authorities.

BACKGROUND

The Democratic People's Republic of Korea (DPRK), or North Korea, is one of the most authoritarian and repressive countries in the world, severely restricting universal human rights in a widespread manner. In a landmark report issued in February 2014, the HRC-mandated Col on the DPRK established responsibility at the highest level of government for ongoing crimes against humanity.

The Col's report detailed harrowing abuses committed by the DPRK government, including extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other forms of sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations and the inhumane act of knowingly causing prolonged starvation. Gross human rights violations in the DPRK involving detention, executions and disappearances are characterized by a high degree of centralized coordination between different parts of the extensive security and detention system, which includes labor camps, political prisons and other detention centers. The Col reported that the government targets those considered to be "politically suspect," including non-nationals who are labeled as "hostile." Persons accused of political crimes have been subject to abduction, enforced disappearance and execution without trial.

In January 2023 OHCHR found that serious human rights violations and possible international crimes, including abductions and enforced disappearances, overseas forced labor and sexual and gender-based violence, continue to occur. Several reports by the UN Secretary-General have also documented pervasive torture and forced labor among the country's large detainee population.

For decades the DPRK government has attempted to insulate itself from international engagement and scrutiny. The DPRK government has refused to cooperate with international human rights mechanisms and offices, including the OHCHR office in Seoul – which was established in 2015 – and the UN Special Rapporteur on the situation of human rights in the DPRK. Moreover, under the pretext of preventing the spread of COVID-19, in 2020 the DPRK government further entrenched its policy of isolation by closing international borders and enforcing repressive and unnecessary restrictions on basic freedoms. These prolonged measures have severely restricted access to food, medicine, healthcare and livelihoods. According to the World Food Programme, nearly 12 million people are undernourished.

Prior to 2014, the UNSC engaged with the DPRK almost exclusively in the context of nuclear non-proliferation and had never directly addressed ongoing human rights abuses. In response to the Col's findings, in December 2014 the human rights situation in the DPRK was added as a separate UNSC agenda item. Meetings were held annually from 2014-2017. On 17 August 2023 the UNSC convened its first open briefing on the human rights situation in the DPRK since 2017, which was preceded by a closed Arria-Formula meeting on the human rights situation in the country on 17 March 2023.

RECENT DEVELOPMENTS

On 26 August the DPRK government announced the partial reopening of its borders. Reports surfaced in October that Chinese authorities forcibly returned more than 500 people to the DPRK. Despite being party to conventions that prohibit refoulement, China considers border-crossers to be illegal "economic migrants" and does not allow them to seek asylum or resettlement and deports them under a 1986 bilateral treaty with the DPRK. On 17 October a group of UN experts released a statement calling on China to respect the principle of non-refoulement.

The UN Special Rapporteur, Elizabeth Salmón, released a report on 12 October, which highlighted continued gross violations of human rights, particularly the rights of women and children, and stressed that the DPRK's extreme militarization has come at the expense of human rights and fundamental freedoms while further entrenching isolation. On 19 December the UN General Assembly (UNGA) adopted Resolution 78/218, which expresses deep concern at the grave human rights situation in the DPRK, the pervasive culture of impunity and the continued lack of accountability for human rights violations and abuses. The resolution also condemned the DPRK for continuing to divert resources to illicit nuclear weapons and ballistic missile programs over the welfare of its people.

Satellite imagery collected in October revealed that Russia has purportedly begun shipping munitions from the DPRK, in direct

violation of several UNSC resolutions that prohibit DPRK from exporting or importing arms.

ANALYSIS

Despite international engagements focused on denuclearization and other security issues, the human rights and humanitarian situation in the DPRK has largely been neglected. The repression of civil society and independent media, as well as the absence of free elections or political space for open debate, is intended to perpetually silence criticism of the authorities and diminish opportunities for the review and reform of the DPRK's human rights practices.

The country's human rights record is intimately linked to its weapons development program, which benefits from forced labor, contributes to widespread poverty and hunger through unequal resource distribution and enhances the government's capacity to repress dissent without fear of international response or intervention. The alleged increase in weapons distribution with Russia heightens the risk of atrocity crimes in the DPRK and conflict zones around the world, including in Ukraine.

Forced repatriation of refugees and asylum seekers by neighboring states has left these populations at grave risk of internment, torture, sexual and gender-based violence, enforced disappearance or execution.

RISK ASSESSMENT

- Authoritarian government and the absence of any checks on the power of the DPRK leadership.
- Impunity for past and ongoing atrocity crimes enjoyed by the DPRK government.
- Record of serious violations of IHRL and customary international law.
- Economic instability, poverty and famine, all of which are exacerbated by government policies.
- Significant capacity to commit atrocities, especially against detainees, women, persons with disabilities and children.

NECESSARY ACTION

The DPRK authorities must allow for the return of international humanitarian organizations and guarantee rapid and unhindered access to vulnerable populations. Neighboring states have a responsibility under international law to provide safe passage out of the DPRK for civilians at risk of human rights violations and must strictly adhere to the principle of non-refoulement.

The international community's legitimate pursuit of denuclearization on the Korean Peninsula should not overshadow the need to uphold the universal human rights of all Koreans. Any negotiations on rapprochement with the DPRK

should aim to address ongoing human rights abuses, some of which may amount to crimes against humanity. The DPRK government should fully cooperate with OHCHR and allow entry to Special Rapporteur Salmón.

At the 55th session of the HRC, UN member states should renew the mandate of the Special Rapporteur and request the High Commissioner prepare a detailed follow-up assessment to the 2014 Col report to be presented to the HRC within a period of two years. The UNSC must remain seized of the human rights situation in the DPRK and hold regular open briefings on the issue. Council members should act on the recommendations made by the Col and other relevant human rights mechanisms and offices, including by referring the situation to the ICC and imposing targeted sanctions against those responsible for or complicit in crimes against humanity, regardless of the position of the alleged perpetrator. UN member states should explore creative ways to maintain maximum international scrutiny and explore potential avenues for both judicial and non-judicial accountability mechanisms.



DEMOCRATIC REPUBLIC OF THE CONGO

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

BACKGROUND

Attacks by armed groups and recurring inter-communal violence have threatened populations in the eastern provinces of the Democratic Republic of the Congo (DRC) for nearly 30 years. More than 120 militias and armed groups actively operate in Ituri, North Kivu, South Kivu and Tanganyika provinces, many of whom regularly perpetrate widespread violations and abuses that may amount to crimes against humanity and war crimes. While combating armed groups, the government's armed forces (FARDC) and police have also been implicated in violations of IHL and IHRL, including sexual violence, torture and arbitrary

killings, some of which may amount to crimes against humanity and war crimes.

Despite military offensives conducted by the FARDC, with assistance from the UN peacekeeping mission (MONUSCO), violence has escalated in the eastern provinces for several years amidst a surge in attacks by groups like the Allied Democratic Forces (ADF), Cooperative for the Development of Congo (CODECO) and the March 23 Movement (M23), among others. Although the government declared military rule in North Kivu and Ituri in May 2021 under a so-called “state of siege” to confront armed groups, and joint military operations have been deployed, these efforts have failed to stem violence or attacks against populations. At least 2,446 civilians were killed in South Kivu, North Kivu and Ituri provinces between January and late October 2023. Ongoing attacks have had a devastating impact on children and women. According to the UN Children’s Fund, more than 450 cases of recruitment and use of children in armed groups were verified from July to September, a 50 percent increase compared with the first half of 2023. A dramatic increase in sexual violence against women and girls has also been recorded.

Tensions have also arisen outside of eastern DRC. Inter-communal conflict between the Teke and Yaka communities – sparked by disputes over land and customary rights in western Mai-Ndombe province – intensified and expanded into neighboring provinces throughout 2023, leaving hundreds of civilians dead and scores of villages, schools and medical facilities destroyed. Grave human rights violations have been recorded, including sexual violence, kidnapping for ransom and torture. The emergence of the Mobondo, a group of predominantly Yaka fighters, has hampered reconciliation efforts. The Congolese government has trained and sent hundreds of surrendered members of the Mobondo to eastern DRC to fight M23 without any prior vetting to ensure that new FARDC recruits were not previously involved in serious human rights abuses.

Protracted and resurgent violence and insecurity have exacerbated an already dire humanitarian crisis, with 25.4 million people in need of aid. Nearly 7 million Congolese are internally displaced and face grave protection risks. Armed groups, in particular CODECO, have perpetrated targeted attacks against displacement sites in eastern DRC, killing hundreds of civilians and causing further displacement. At times the FARDC and MONUSCO have failed to prevent or stop these attacks.

The ICC has been investigating serious crimes in the DRC since 2004. In 2023 the DRC government requested the Court investigate alleged crimes committed in North Kivu from 1 January 2022 to date, prompting Chief Prosecutor Karim Khan to announce during June 2023 his intention to conduct a preliminary examination.

RECENT DEVELOPMENTS

Following a request by the Congolese government for an accelerated withdrawal of MONUSCO, the UNSC adopted a resolution on 20 December mandating the withdrawal of the mission within one year. According to the disengagement plan, peacekeepers will depart from South Kivu by the end of April and remain in North Kivu and Ituri to continue carrying out their civilian protection mandate.

The security situation in North Kivu has further deteriorated since early October 2023, as ongoing fighting between M23 and the FARDC, supported by a coalition of local militias (known as Wazalendo), has killed or injured dozens and triggered mass displacement. M23 has recaptured lost territory and reportedly perpetrated unlawful killings, rape and other alleged war crimes. In mid-December troops began deploying in North Kivu as part of the Southern African Development Community Mission in the DRC (SAMIDRC). M23 made major territorial advances during January and February, bringing the conflict closer to the provincial capital of Goma. The intense fighting – marked by the use of heavy artillery and shelling in populated areas by both sides – displaced at least 144,000 people in two weeks alone in Masisi territory. Civilians also remain at risk in Ituri, with the ADF and CODECO launching recurrent attacks marked by kidnappings, killings and the burning of homes in Djugu, Irumu and Mambasa territories.

ANALYSIS

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

Amid widespread violence across the eastern provinces, the withdrawal of MONUSCO has raised concerns regarding the future of civilian protection. The drawdown of MONUSCO from areas where peacekeepers regularly patrolled may exacerbate an existing security and protection vacuum, putting civilians at further risk. FARDC offensives often trigger violent reprisals by armed groups who target civilians. By routinely integrating members of armed groups who have been implicated in past crimes into the FARDC, the government has encouraged impunity, while posing risks to civilians.

The UNSC-mandated Panel of Experts on DRC and several others have alleged that Rwanda supported M23 in 2013 and has provided logistical support and fought alongside the group during its resurgence since November 2021. M23’s renewed offensive has aggravated regional tensions and provoked an increase in hate speech and incitement to discrimination in

DRC, particularly targeting Tutsis/Banyarwanda individuals and others. UN officials have warned about the potential for a direct confrontation between DRC and Rwanda.

RISK ASSESSMENT

- Rising cross-border tensions between Rwandan and Congolese officials and mobilization of troops.
- Indiscriminate use of heavy artillery, shelling and bombings near civilian areas, including displacement camps, hospitals and schools.
- Long-standing, unaddressed inter-communal tensions and rivalries, as well as the politicization of identity.
- Growing trend of conflict-related sexual violence, disproportionately impacting displaced women and girls.
- Existing security vacuum exacerbated by FARDC deployment to fight M23, emboldening other armed groups to target civilians.

NECESSARY ACTION

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

The East African Community, Economic Community of Central African States (ECCAS), International Conference on the Great Lakes Region and the Southern African Development Community should coordinate regional initiatives. Neighboring states should ensure that forces deployed to eastern DRC uphold human rights and refrain from illicit activities. The international community should suspend military assistance to governments found to be supporting armed groups.

The DRC authorities must thoroughly and transparently investigate and condemn ethnic-based hate speech and incitement to violence, while strengthening capacity building measures for civil society and journalists in this regard. MONUSCO must maintain a protective environment for civilians throughout the phases of disengagement, including by developing integrated provincial protection plans, in close consultation with civil society.



ETHIOPIA

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

BACKGROUND

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

Possible war crimes and crimes against humanity were committed by all parties. Several UN bodies, including the International Commission of Human Rights Experts on Ethiopia (ICHREE), and international human rights groups documented indiscriminate bombings, ethnic-based killings, sexual violence, forced displacement, use of child soldiers, destruction of cultural heritage and the systematic destruction of food, water and health infrastructure. Amnesty International and Human Rights Watch found that Amhara regional forces and militias and the EDF, with ENDF complicity, were responsible for the ethnic cleansing of Tigrayans from Western Tigray. Amhara authorities subjected the Tigrayan population to abuses and restrictions on the basis of their ethnicity and removed them from the area while simultaneously calling for Amhara residents to settle there.

Despite the CoHA, abuses by the EDF and regional Amhara forces have been reported in Tigray, including looting of civilian property, as well as kidnappings and mass detentions, while the ICHREE and international human rights groups have documented potential war crimes and crimes against humanity, including sexual violence and extrajudicial killings of civilians. Despite multiple warnings from the ICHREE of an imminent risk of future atrocity crimes, UN member states failed to put forward a resolution at the HRC's 54th session to renew its mandate, ending international monitoring of the crises in Ethiopia. On 10 October 2023 the UN Special Adviser on the Prevention of Genocide released a statement warning of a heightened risk of genocide and other atrocity crimes.

In April 2023 the government announced plans to integrate regional militia forces into the federal army and police, prompting fears among populations regarding loss of regional autonomy and vulnerability to attacks by other ethnic groups. In the Amhara region, protests against the measure escalated into intense clashes between the fano, an irregular ethnic Amhara militia, and the ENDF, during which the Ethiopian Human Rights Commission (EHRC) has documented the targeting of civilians and civilian property. The ENDF have also been accused of killing civilians while searching for fano supporters.

Inter-communal and inter-religious violence, particularly between the Amhara and Oromo communities, as well as regional border disputes in other parts of Ethiopia continue. Oromia regional security forces, the ENDF and the Oromo Liberation Army (OLA) armed group have committed enforced disappearances and attacks on civilians, including ethnic Amharas. The ENDF have launched repeated airstrikes in Oromia and extrajudicially executed civilians perceived to be supportive of armed groups. Negotiations between the OLA and federal government have stalled.

RECENT DEVELOPMENTS

On 17 November OHCHR warned of ongoing abuses in Amhara, including arbitrary arrests and drone strikes targeting civilian areas. On 5 February the ENDF went house to house in Merawi and executed at least 50 civilians, including a 6-year-old child, in retaliation for intense clashes with fano militia in the area.

Following community consultations from July 2022 to March 2023 in numerous regions, on 28 December OHCHR and the EHRC released a joint report, encouraging the federal government to implement multiple tracks of transitional justice, including criminal accountability, truth-seeking, reparations and guarantees of non-recurrence.

On 30 December the President of the interim regional authority in Tigray, Getachew Reda, said that 91 percent of the population was exposed to the risk of starvation and death due to ongoing drought and the pervasive impact of the conflict.

ANALYSIS

Populations in Tigray, Afar and Amhara remain at risk of further war crimes and crimes against humanity due to repeated violations of the CoHA. The unresolved question of the administration of Western Tigray and other disputed territories could reignite conflict, with both Amhara and Tigrayan ethnic groups claiming control over the land. These risks are amplified by the over 370,000 fighters across the country – with access to small arms – who await unfunded demobilization and reintegration.

Civilians in Tigray also remain at risk due to the continued presence of the EDF, which have repeatedly been accused of atrocity crimes while Eritrean authorities have allegedly sought to settle decades-old grievances with the TPLF through the collective punishment of Tigrayans.

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

The non-renewal of the ICHREE incentivizes the federal government to further entrench impunity and undermines victim's hopes for justice.

Ethiopia's ethnic-based federalist system has resulted in widespread allegations of ethnic favoritism, deepening distrust between ethnic groups. Under the former TPLF-dominated ruling coalition, which controlled the government for 27 years prior to Prime Minister Abiy Ahmed coming to power in 2018, many groups felt marginalized. A history of impunity and lack of effective transitional justice for human rights abuses perpetrated under successive ruling parties has exacerbated these grievances. The conflict in northern Ethiopia sparked an increase in hate speech between ethnic groups across the country and caused other pre-existing ethnic tensions to flare.

RISK ASSESSMENT

- Residual tensions following the conflict and fragile peace process without credible commitment to its implementation.
- Policy or practice of impunity for – or tolerance of – serious violations of IHL and IHRL, atrocity crimes or their incitement.
- Unresolved inter-communal tensions and the federal government's attacks on associated ethnic-based militias – many of whom are fighting for autonomy of their group.
- Inflammatory rhetoric, propaganda campaigns or hate speech by political figures to capitalize on the politicization of ethnic identity.

- Lack of trust and confidence in state institutions to resolve conflicts and pursue transitional justice.

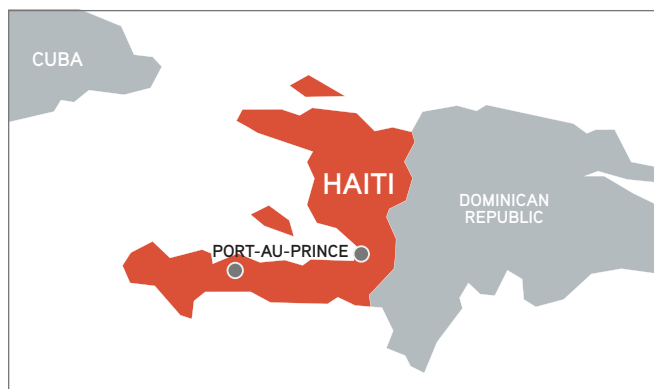
NECESSARY ACTION

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

Due to the lack of confidence in domestic measures, the international community should explore alternative options for accountability, including through universal jurisdiction. The federal government should work with UN Special Procedures and international experts on transitional justice to ensure processes meet international standards.

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

The international community must maintain scrutiny of the crises in Ethiopia following the non-renewal of the ICHREE. Any normalization should be contingent on progress made toward respecting human rights and assurances of inclusive transparent and good faith accountability efforts.



HAITI

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

BACKGROUND

Since the assassination of then-President Jovenel Moïse in July 2021, violence has intensified in Haiti, particularly in Port-au-Prince, where armed gangs have rapidly proliferated and are perpetrating widespread abuses in a climate of total impunity. Approximately 200 criminal groups are currently

fighting over territory in Haiti, and the UN estimates that at least 2 million Haitians, including 600,000 children, live in areas under gang control. Throughout 2023 several UN officials warned that insecurity in the Port-au-Prince metropolitan area reached levels comparable to countries in armed conflict. Gang violence reached unprecedented levels, with over 8,400 people killed, injured or kidnapped – more than double the figure from 2022.

Throughout 2023 intense turf wars between two of the main gang coalitions – the G9 alliance and G-Pèp federation – continued across Cité Soleil, a commune on the outskirts of Port-au-Prince, as well as across the capital. Populations are often confined to their neighborhood and face killings, disappearances, sexual violence, indiscriminate sniper attacks and destruction of property. Gangs also launch frequent attacks on schools, medical facilities and humanitarian organizations. According to OHCHR and the UN Integrated Office in Haiti (BINUH), there has also been a significant rise in gang violence in the central region of Lower Artibonite, where populations face near-daily abuses. Several UN Special Procedures, the Secretary-General and OHCHR have reported that gangs are using systematic sexual violence, including collective rape and mutilation, as a means of exerting territorial control and to terrorize and inflict pain on communities under the control of rival gangs. Refusing sexual demands has led to reprisals, including killings and arson attacks. Cases of rape increased 49 percent from January to October 2023 compared with the same period in 2022.

In response to escalating violence, a civilian self-defense movement – known as “Bwa Kale” – emerged in April 2023. Gang members retaliated by creating their own movement known as “Zam Pale.” The UN has documented at least 420 cases of lynching in vigilante justice. At times, vigilante groups have joined the Haitian National Police (HNP) during anti-gang operations, and BINUH has documented several cases of extrajudicial killings by the HNP.

Insecurity has compounded an existing humanitarian crisis. Haitians have little or no access to basic necessities, as armed gangs have blocked essential transport routes and looted humanitarian supplies. Over 314,000 people, half of whom are children, are internally displaced. According to the International Organization for Migration (IOM), sixty percent of forced displacements occurred in 2023, while over 216,600 Haitians were forcibly returned from neighboring countries last year.

The grave security situation is exacerbated by protracted political deadlock. Prime Minister Ariel Henry has controlled executive and parliamentary functions since July 2021 and has been unable to reach a consensus with Haitian political authorities and civil society representatives to enable a democratic transition.

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

RECENT DEVELOPMENTS

Following a year of requests by Prime Minister Henry for the deployment of a multinational security force, on 2 October the UNSC authorized the Multinational Security Support (MSS) mission to Haiti. The MSS is mandated to provide operational support to the HNP to re-establish security in Haiti and build conditions conducive to holding free and fair elections and to protect critical infrastructure sites, among other tasks. The UNSC also renewed the sanctions regime and broadened the arms embargo, prohibiting all arms sales or transfers to Haiti. During November the Kenyan parliament approved the deployment of 1,000 police to lead the MSS, though the deployment was blocked by the High Court in a ruling issued on 26 January 2024. In February the Bahamas, Bangladesh, Barbados, Benin and Chad formally notified the UN of their intent to contribute personnel to the MSS.

Over the past several months, gangs have expanded at an alarming rate to new areas of Port-au-Prince – including Carrefour-Feuilles, Solino, Bon Repos, Mariani and Léogâne – as well as in the West (Ouest) and Artibonite Departments, prompting outbreaks of violence and a rise in kidnappings. According to OHCHR, January 2024 was the most violent month in two years, with at least 806 people killed, injured or kidnapped.

Since mid-January tensions have escalated as supporters of former rebel leader Guy Philippe, who is calling for a revolution, have launched anti-government protests and riots in at least 24 cities, demanding the resignation of Prime Minister Henry. At times law enforcement has used unnecessary and disproportionate force against protesters.

ANALYSIS

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

The unprecedented levels of violence stem from intensifying turf wars between armed gangs who are competing for control of strategic resources and sources of new revenue. As gangs expand their control over key transport routes, they not only hinder freedom of movement – leading to loss of livelihoods – but have also become more economically autonomous and

powerful. Kidnappings and associated requests for ransom are a vital source of income for gangs to carry out operations and purchase weapons.

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

Philippe has the support of several units of the Brigade for the Security of Protected Areas (BSAP), an armed government security force, heightening the risk of clashes, particularly if the group aligns with gangs. Some BSAP agents have been previously implicated in human rights abuses.

RISK ASSESSMENT

- Proliferation and flow of illicit arms and ammunition to gangs, providing the means for perpetrating atrocities.
- Grave acts of violence, including forcible recruitment of children, as well as systematic sexual violence, particularly against women and girls.
- Limited government capacity to combat gang activity, as well as ineffective institutions, particularly the judiciary, to confront widespread corruption and impunity.
- Emergence of vigilante groups and the growth and expansion of gangs, fueling rivalries and clashes.
- Near-complete impunity for violence against civilians, emboldening gang members to perpetrate further abuses.

NECESSARY ACTION

Haitian authorities, with the assistance of countries in the region, must bolster efforts to curb the flow of illicit weapons and ammunition. The UNSC arms embargo should be implemented immediately. Those responsible for serious abuses, as well as those providing support to and financing gangs, should be investigated and prosecuted in line with international human rights standards. The HNP must vet all its members and remove from service any officers who have colluded with gangs or the Bwa Kale movement.

In cooperation with OHCHR, the MSS must establish an oversight mechanism to prevent human rights violations or abuses, as well as strictly adhere to UN protocols on the prohibition of sexual exploitation and abuse. Efforts to secure strategic locations and main roads should be complemented by initiatives to provide jobs, education and access to basic

necessities in gang-controlled areas. The international community should give assistance to authorities to restore the rule of law and re-establish democratic institutions.

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



ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

Since 7 October 2023 Israeli forces have perpetrated likely war crimes and crimes against humanity in Gaza and the Occupied West Bank. Palestinians face mounting risks of ethnic cleansing and genocide. Hamas and other Palestinian armed groups have also perpetrated likely atrocity crimes.

BACKGROUND

On 7 October Hamas and other Palestinian armed groups launched a deadly assault into Israel. Militants attacked civilian areas and perpetrated flagrant violations of international law, including capturing and forcibly taking hundreds of civilians as hostages. At least 1,200 Israelis were killed, including 36 children, and over 5,400 injured. Hamas and other armed groups also continuously fired indiscriminate rockets toward Israel.

Following the attacks, Israel launched relentless bombardments from air, land and sea across the Gaza Strip, targeting and destroying civilian objects protected under IHL in a manner widely characterized as collective punishment. Air raids have targeted residential buildings, hospitals, mosques, water and sanitation facilities, telecommunications towers, bakeries, schools and refugee and displacement camps. Since 7 October at least 30,000 Palestinians have been killed, approximately 70 percent of whom are women and children. Several hospitals have been raided by the Israeli military and reportedly forcefully

evacuated. Israeli ground operations since 28 October have severed areas north of Wadi Gaza from the south.

On 9 October Israel imposed a complete siege of Gaza, resulting in acute shortages of water, food and medicines that threatened the survival of 2.3 million Palestinians and created a dire humanitarian crisis. On 11 October Israel cut off the electricity supply to Gaza, resulting in an ongoing blackout and contributing to the collapse of hospitals and water and sanitation services. Approximately 1.7 million Palestinians are currently internally displaced in Gaza. A group of UN Special Procedures have issued multiple warnings regarding a risk of genocide against the Palestinian people in light of dehumanizing statements made by Israeli officials and the accompanying bombardments and imposition of a total siege, while the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT) warned on 14 October that Palestinians in Gaza are in grave danger of ethnic cleansing.

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been occupied by Israel since 1967. Various UN officials and investigative mechanisms have reaffirmed that Israel's permanent occupation of Palestinian territory has no legal validity and has resulted in de facto annexation, which may amount to a war crime. The occupation has been characterized by the perpetual expansion of Israeli settlements into Palestinian territory with the aim of altering its ethnic demographics. The Israeli government has established a two-tiered legal and political system that provides comprehensive rights for Jewish Israeli settlers while imposing military rule and control on Palestinians without any basic protections or rights under international law. In March 2022 the UN Special Rapporteur on the situation of human rights in the OPT reported that this system satisfies the prevailing evidentiary standard for the crime of apartheid, a crime against humanity.

Palestinians are regularly subjected to violence by Israeli settlers, including physical attacks, shooting with live ammunition, torching of fields and livestock, theft and vandalism of property. According to OCHA, 2023 was the deadliest year in the Occupied West Bank, including East Jerusalem, since the UN began documenting casualties in 2005, with over 200 Palestinians and nearly 30 Israelis killed between January and September. Since 7 October, there has been a sharp increase in unnecessary and disproportionate force by Israeli forces – including airstrikes, violent military tactics during search-and-arrest operations, and incursions by armored personnel carriers and bulldozers sent to refugee camps – resulting in over 365 Palestinians killed and at least 4,288 injured in the Occupied West Bank. Israeli forces have also conducted daily mass arrests, with thousands of Palestinians arrested, as well as denied medical assistance to those injured in attacks. OHCHR has reported numerous incidents of alleged torture and other ill-treatment against Palestinian detainees. Settler violence has also escalated, with Palestinians facing

an average of four attacks per day. Israeli settlers have killed eight Palestinians and injured 114, while over 1,200 have been displaced. OHCHR has reported that settlers carrying out these attacks are at times acting with the acquiescence and collaboration of Israeli forces and authorities. Five Israelis have also been killed in attacks by armed Palestinians.

RECENT DEVELOPMENTS

A humanitarian pause between Israel and Hamas lasted from 24 November – 1 December. The pause facilitated the delivery of life-saving aid and the release of dozens of Israeli and foreign hostages that had been held captive in Gaza since 7 October, as well as the release of dozens of Palestinians held in Israeli jails. Since then, Israeli military operations have expanded into southern Gaza, an area to which 1.1 million Palestinians from northern Gaza were previously forced to evacuate. Intense fighting around Khan Younis – including significant destruction to residential blocks and towers – as well as ongoing evacuation orders, continue to drive thousands of people into Rafah governorate, which is already hosting over half of Gaza's population. Those internally displaced are living in makeshift structures, tents or out in the open without basic necessities to survive. In early February airstrikes and bombardments in Rafah increased. Other areas across middle and southern Gaza – where internally displaced Palestinians were directed to seek safety following the Israeli military's evacuation orders – were also hit by airstrikes and missiles.

Since the resumption of hostilities, the humanitarian catastrophe has worsened with an imminent risk of famine and few remaining operational hospitals in Gaza. Approximately 300,000 Palestinians in northern Gaza are cut off from all humanitarian assistance.

On 6 December UN Secretary-General António Guterres invoked Article 99, urging the UNSC to help avert a humanitarian catastrophe in Gaza. In the weeks leading up to and following this, several draft resolutions failed to pass in the UNSC either due to insufficient votes or vetoes cast. On 22 December the UNSC passed a resolution requesting the Secretary-General appoint a Senior Humanitarian and Reconstruction Coordinator for Gaza that would establish a UN mechanism for accelerating the provision of humanitarian relief consignments. During an Emergency Special Session on 12 December, the UNGA passed a resolution calling for an immediate humanitarian ceasefire with 153 votes in favor.

On 29 December South Africa filed an application before the International Court of Justice (ICJ) instituting proceedings concerning alleged violations of Israel's obligations under the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinians in Gaza. The ICJ issued legally binding provisional measures on 26 January which ordered Israel to take all measures to prevent the commission of all acts within Article II of the Genocide Convention, to

ensure that Israeli military forces do not commit any of these acts, to take measures to prevent and punish direct and public incitement to commit genocide against Palestinians, and to provide basic services, including humanitarian aid, to address adverse conditions of life in Gaza.

ANALYSIS

During their attack on Israel, Hamas and other Palestinian armed groups perpetrated likely war crimes, as well as potential crimes against humanity. Hamas' indiscriminate rocket attacks are also in violation of international law. Israel's disproportionate attacks on civilians and civilian objects likely amount to war crimes, while the mass displacement of Palestinians in Gaza likely amounts to the war crime and crime against humanity of forcible transfer. Ongoing forced displacement and likely forcible transfer of Palestinian populations across Gaza increase risks of ethnic cleansing and genocide against Palestinians. Ongoing mass displacement and the spread of hostilities southwards, paired with statements by high-level Israeli officials, have increased fears of a risk of mass deportation of Palestinians to Egypt.

The imposition of sieges that deprive civilians of goods essential to their survival as a punitive measure may amount to collective punishment, a violation of IHL. While Israel has imposed an air, sea and land blockade of Gaza since 2007, the latest siege likely amounts to intentional starvation of civilians as a method of warfare – a war crime – and may amount to a crime against humanity. The intentional starvation of civilians in Gaza, together with recent statements from Israeli officials, may amount to a constitutive act of genocide – namely deliberately inflicting on a protected group conditions of life calculated to bring about its physical destruction in whole or in part. The recent decisions of several states to suspend funding to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) – the largest humanitarian organization in Gaza providing critical life-saving services – will have catastrophic humanitarian consequences for the people of Gaza.

There has been no effective accountability for successive cycles of deadly hostilities between Israel and Hamas and other Palestinian armed groups over the past two decades, reinforcing a climate of impunity and enabling environment for further war crimes.

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

Article 49 of the Fourth Geneva Convention prohibits an occupying power from transferring parts of its civilian

population into occupied territory, also known as “settler implantation.” Seizures and demolitions of Palestinian and Bedouin land and property leave communities at risk of forced evictions, arbitrary displacement and forcible transfer. Israel’s permanent occupation endangers the cultural existence of the Palestinian people and violates their right to self-determination.

RISK ASSESSMENT

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

NECESSARY ACTION

All likely war crimes and crimes against humanity must halt immediately. Hamas and other Palestinian armed groups must safely and unconditionally release all individuals taken hostage. Israel should immediately lift the siege of Gaza to allow the flow of critical supplies and ensure safe and unimpeded access for the delivery of humanitarian aid. A permanent ceasefire must be urgently reached and monitored by an independent, international body. All parties should condemn anti-Semitic, anti-Arab and Islamophobic hate speech and leaders must refrain from spreading and engaging in dehumanizing rhetoric and actions. States that have suspended funding to UNRWA should urgently restore their financial support.

Israel must immediately implement the ICJ’s provisional measures order and its allies must ensure Israel’s compliance. States parties to the Genocide Convention should support proceedings before the ICJ and refrain from attempts to impede the independent work of the Court or discredit the merits of the dispute. The international community should impose accountability measures for all previous and ongoing violations of international law in Israel and the OPT to end the cycle of impunity. The ICC should accelerate its investigation into likely war crimes and crimes against humanity under its jurisdiction both before and during the latest hostilities. Israel should ratify the Rome Statute of the ICC and cooperate with all UN-mandated investigative mechanisms.

The root causes of violence and atrocities must also be addressed. Israel must lift its blockade on Gaza and cease illegal settlement-related activity and apartheid policies. It should also end the occupation of Palestinian territory and collective punishment of Palestinians. All parties should work toward a sustainable political solution consistent with international law and various UNSC resolutions.



MYANMAR (BURMA)

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

BACKGROUND

Since the February 2021 military coup and prolonged states of emergency, the military – known as the Tatmadaw – has compounded the human rights and humanitarian crisis in Myanmar (Burma). Hundreds of thousands of people participated in peaceful protests and strikes against the re-imposition of military rule, while numerous civilian militias – known as People’s Defence Forces (PDFs) – formed as part of an armed resistance since the coup. The Tatmadaw has detained thousands of people accused of resisting the junta and targeted civilian areas with airstrikes, scorched earth campaigns and other attacks, particularly in the anti-military strongholds of Magway and Sagaing regions and Chin, Kachin, Shan, Kayah and Karen states. At least 4,416 people have been killed by the military and anti-junta groups, while 2.6 million people have been displaced since the coup. According to the UN High Commissioner for Human Rights, at least 1,600 civilians were killed in 2023 alone, a 400 percent increase from 2022.

The UN High Commissioner for Human Rights has documented a two-fold increase in junta airstrikes since April 2022. Aerial bombardments have indiscriminately targeted schools sheltering civilians and rights groups have documented the destruction of at least 107 religious buildings, including 67 churches, since the coup. The High Commissioner has reported other abuses

by the junta, including the systematic denial of humanitarian aid to civilians, intentional blocking of humanitarian access, abuses against humanitarian workers and burning alive, dismembering, raping and beheading civilians unable to flee attacks. The Women's League of Burma has also documented conflict-related sexual violence, including incidents where women were gang-raped by soldiers and raped at checkpoints.

The military has charged members of the National Unity Government (NUG) – a coalition of democratic opponents formed in opposition to military rule – with high treason and pronounced that the NUG and PDFs are terrorist organizations. Although the junta has announced several mass prisoner releases, the Special Rapporteur on the situation of human rights in Myanmar has said that at least 19,000 people remain detained.

The Association of Southeast Asian Nations (ASEAN) agreed to a “Five-Point Consensus,” which called for a cessation of hostilities, among other steps, in April 2021, but subsequent regional pressure has been limited. In September 2023 ASEAN announced the creation of a troika mechanism for Myanmar, comprising of the current, past and future chairs of the organization. In December 2022 the UNSC passed the first and only resolution on the human rights crisis, demanding an end to the violence and calling for political prisoners to be released. Numerous governments have attempted to restrict the junta's capacity to commit crimes through a variety of measures, including by imposing extensive targeted sanctions on its leaders, military-affiliated companies and others who enable their crimes. Some states have also suspended development funds, imposed arms embargos, banned dual-use goods for the military and the supply of aviation fuel to Myanmar, among other measures.

Prior to the coup, in August 2017 the military launched so-called “clearance operations” in Rakhine State with the purported aim of confronting the Arakan Rohingya Salvation Army. During those operations the majority of Myanmar's Rohingya population were forced to flee, bringing the total number of Rohingya refugees in Bangladesh to over 900,000 people. In 2018 the HRC-mandated Fact-Finding Mission (FFM) on Myanmar concluded that senior members of the military, including General Min Aung Hlaing, should be prosecuted for genocide against the Rohingya, as well as for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. Despite ongoing risks underscored by the UN and international human rights organizations, the junta and Bangladesh have promoted a “pilot repatriation program” for Rohingya to return to Myanmar.

Several processes are underway to investigate and potentially hold perpetrators accountable for crimes against the Rohingya. This includes the UN Independent Investigative Mechanism for Myanmar, an ICC investigation and a trial at the ICJ initiated by The Gambia accusing Myanmar of violating its obligations under the Genocide Convention. Cases have also been brought forward

under the principle of universal jurisdiction in Argentina, the Philippines and Türkiye.

RECENT DEVELOPMENTS

On 27 October a coalition of ethnic armed groups launched “Operation 1027” against the junta, capturing military outposts in Shan, Kachin, Sagaing, Magway and Kayah states. Other groups have subsequently increased attacks, including some PDFs and the Arakan Army in Rakhine State, breaking a year-long informal ceasefire with the junta. Fighting has been reported in over two-thirds of Myanmar, including Kayin State and Kokang and Bago regions. According to OCHA, the fighting has killed at least 554 civilians and displaced over 800,000. At least 74 townships, including most of the 17 townships in Rakhine State, are experiencing partial or total internet shutdowns. Multiple rounds of Chinese-brokered ceasefires have yet to hold.

In December Canada, the EU and UK separately sanctioned entities and individuals associated with the junta. On the third anniversary of the coup, the UK, US, Canada and Australia levied new sanctions on individuals and enterprises related to the junta, including those involved in the procurement of aviation fuel and arms.

ANALYSIS

Impunity for past atrocities has enabled the military to continue committing widespread and systematic human rights violations and abuses against civilians, particularly those from ethnic minority populations and those who are perceived as unsupportive of the junta. The Tatmadaw's use of surveillance technology and internet shutdowns has facilitated the commission of atrocities. Operation 1027 is the most significant challenge to the junta since the coup and may prompt an intensification of indiscriminate and disproportionate attacks, heightening the risks for civilians.

Military forces perpetrated pervasive sexual and gender-based violence during the Rohingya clearance operations and appear to be continuing this pattern of abuse in their conduct against those perceived as resisting the junta.

Divisions within the UNSC and ASEAN have hampered the development of a coordinated international response to atrocities in Myanmar, further enabling ongoing abuses. Although many states have imposed sanctions on junta officials, individuals and entities supporting the junta, Canada is currently the only state with comprehensive sanctions blocking the shipment of aviation fuel to Myanmar. Moreover, despite these sanctions, fuel and arms continue to be shipped into Myanmar, including from entities based in countries imposing sanctions.

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

RISK ASSESSMENT

- Impunity for decades of atrocities perpetrated by the military.
- History of institutionalized persecution and discrimination against ethnic minority groups.
- The military's continued access to weapons, aviation fuel and money, providing the means to perpetrate atrocities.
- Indiscriminate attacks on civilian infrastructure while targeting anti-military strongholds.
- Increasing desperation of the junta to quell armed resistance and the effects of Operation 1027 in other regions of 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, India and others must halt weapons transfers to Myanmar's military. All UN member states, regional organizations and the UNSC should impose economic sanctions on Myanmar's oil and gas sector and block the military's access to aviation fuel. Foreign companies should immediately divest and sever ties with all businesses linked to the military.

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

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



NICARAGUA

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

BACKGROUND

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

Since then, the Nicaraguan government has rapidly descended into authoritarianism, resulting in an unprecedented human rights crisis. Under President Daniel Ortega, the government has engaged in a broad campaign of repressing dissenting voices, including human rights defenders, women's rights groups, journalists, community leaders, students and academics, business owners and political opponents. Various government structures are committing widespread human rights violations and abuses that may amount to crimes against humanity, including murder, imprisonment, torture, sexual violence, deportation and politically motivated persecution. The Catholic Church, which was invited to mediate a national dialogue following state-led violence in 2018, has also become one of the primary targets of persecution. At least 50 religious

leaders have fled the country since 2018. Violence has also been perpetrated against Indigenous and Afro-descendant peoples, including killings, harassment, the invasion of their lands and the deliberate burning of homes. Ongoing political persecution has forced many Nicaraguans to flee.

In its first report released on 2 March 2023, the HRC-mandated Group of Human Rights Experts on Nicaragua (GHREN) found that the government, as well as pro-government groups, have committed crimes against humanity as part of a systematic campaign to “eliminate, by different means, any opposition in the country.” President Ortega and his wife, Vice President Rosario Murillo, have dismantled checks and balances and civic space and instrumentalized the country’s executive, judicial, legislative and electoral branches.

During 2023 the government revoked the citizenship of more than 300 alleged political opponents. On 9 February 2023 Nicaraguan authorities forcibly deported 222 of these individuals and sent them to the US. On 3 May at least 40 government critics, including political opponents, independent journalists, human rights defenders and peasant activists, were detained in a massive police raid overseen by President Ortega and Vice President Murillo. This operation was likely the highest number of detentions registered on a single day since so-called “Operation Clean-Up” in 2018. In response to ongoing repression, on 19 August the US announced the imposition of visa restrictions on 100 Nicaraguan officials who are complicit in rights violations and have undermined democracy.

The systematic crackdown on civic space has resulted in the forced shut down of nongovernmental organizations (NGOs) and independent media outlets and the prosecution of independent journalists on charges of hate crimes and terrorism. Official numbers provided by local rights groups, the GHREN and OHCHR suggest that over 3,000 NGOs have been forcibly shut down since December 2018 – more than half of which were closed in the past year. Several universities have also had their legal status canceled over the past year. Dozens of government critics also remain arbitrarily detained under what the GHREN has determined is a state policy.

RECENT DEVELOPMENTS

On 12 September the GHREN warned that political persecution has continued to intensify in recent months, including patterns of attacks against universities, students and professors, concluding that these may constitute the crime against humanity of persecution on political grounds. Both the GHREN and OHCHR also warned about the sharp escalation in frequency and gravity of attacks against the Catholic Church.

On 18 December OHCHR warned of intensifying political repression ahead of regional elections in the Caribbean coast of Nicaragua in March 2024. Repressive measures included the cancellation of the legal status of the main indigenous Afro-

descendant party and the arbitrary prison sentencing of one of its members.

ANALYSIS

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

Arbitrary criminal prosecutions are used as an instrument of political persecution, which has expanded over time and now targets a broad and diverse range of dissenting voices. Patterns of violence against opponents – including psychological torture – often vary by gender, with specific methods of torture targeting and inflicted upon women.

Since the expulsion of OHCHR and IACHR in 2018, no independent human rights monitoring body has been able to access the country. Nicaragua’s isolation from regional and international institutions helps facilitate the commission of atrocity crimes. Pervasive impunity for violations committed before and since 2018 enables ongoing crimes against humanity.

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

RISK ASSESSMENT

- Tactics utilized by the Ortega administration to maintain absolute power facilitates systematic violations and abuses.
- Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors limits public scrutiny of the government and enables ongoing persecution.
- Lack of cooperation by Nicaraguan authorities with international and regional human rights mechanisms creates significant protection gaps for populations at risk.
- Instrumentalization of the judicial system facilitates the persecution of actual or alleged opponents and perpetuates impunity.
- Ongoing violence against Indigenous and Afro-descendant peoples.

NECESSARY ACTION

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

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

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



NIGERIA

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

BACKGROUND

For more than a decade, civilians in Nigeria have faced multiple security threats and risk of atrocities as result of attacks, kidnappings and extortion by various non-state armed groups. According to OCHA, the security situation has resulted in a humanitarian emergency, with more than 8.3 million people –

approximately 80 percent of whom are women and children – requiring urgent assistance.

Since 2011 recurrent violence between herding and farming communities, rooted in competition over scarce resources, has escalated in central and north-west Nigeria. Largely in response to these growing tensions, armed groups and gangs, including so-called “bandits,” have formed. For years such groups have perpetrated widespread atrocities, including murder, rape, kidnapping, organized cattle-rustling and plunder. Armed bandits are also occupying vast swaths of farmland, prompting many farmers to abandon their land out of fear of attack.

Violence perpetrated by armed extremist groups, namely Boko Haram and the so-called Islamic State in West Africa (ISWA), against civilian and military targets has also resulted in mass atrocities in northern Nigeria. In 2009 Boko Haram launched an insurgency aimed at overthrowing Nigeria’s secular government and establishing an Islamic state. In 2015 the AU authorized the regional Multinational Joint Task Force (MNJTF) to combat armed extremism, but the threat posed by the groups persists. More than 35,000 people are estimated to have been killed as a result of Boko Haram attacks between 2009 and 2020. Their tactics include suicide bombings, abductions, torture, rape, forced marriages and the recruitment of child soldiers, as well as attacks that are directed against government infrastructure, traditional and religious leaders and civilians.

During counterterrorism operations, Nigerian security forces have reportedly committed human rights violations and used excessive force, including extrajudicial killings, rape, torture and arbitrary detentions against suspected Boko Haram and ISWA members, as well as civilians. The Nigerian military has allegedly run a secret, systematic and illegal abortion program in Adamawa, Borno and Yobe states that has terminated at least 10,000 pregnancies since 2013, according to an investigation by Reuters. Many of the women and girls in the abortion program had been kidnapped, forcibly married, beaten and repeatedly raped by members of Boko Haram. In attempts to curb the activities of armed bandits, the government has intensified its military operations in affected areas since late 2021, including through indiscriminate airstrikes where such groups operate that have resulted in hundreds of civilian casualties.

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

RECENT DEVELOPMENTS

During late 2023 civilians faced intensified violence across Nigeria, and near-daily attacks by armed groups resulting in kidnappings and violence against civilians continued unabated. On 25 November at least 150 civilians, including women and

children, were kidnapped in a coordinated attack by armed groups on four villages in Zamfara State. In a string of well-coordinated attacks by suspected nomadic herders, at least 20 communities were targeted in remote villages in north-central Plateau State between 23-25 December, killing at least 190 people and injuring 300 others. From 23-24 January at least 30 people were killed in clashes between herder and farmer communities in several villages between the Mangu and Barkin Ladi local government areas in Plateau State. On 3 January at least 17 people were killed and 42 kidnapped after bandits attacked Kajuru and Kauru local government areas in Kaduna State. During an attack on 13 February in Kaura Namoda, Zamfara State, armed men kidnapped at least 40 people, including women, children and elderly men.

On 5 December at least 85 civilians were killed and dozens severely injured when airstrikes by the Nigerian army struck a religious ceremony in Tudun Biri, Kaduna State. Victims who could not be identified were buried in mass graves. While the government initially claimed the airstrikes were an accident, the army later stated it had wrongly analyzed and misinterpreted the group's pattern of activities and considered them similar to bandits. Following the attacks, the ACHPR reminded Nigeria of its legal obligation to observe the utmost precautions and care when undertaking military operations.

At least 40 people were killed in Gurokayeya village, Gaidam local government area in Yobe State on 1 November, when suspected Boko Haram fighters shot and killed civilians and set off a landmine. On 5 November Boko Haram attacked and killed at least 15 farmers and abducted an unspecified number of others in three villages in the Mafa local government area, Borno State. An aggressive attack on Kukarita village, Yobe State, resulted in an unconfirmed number of civilians burnt and shot dead on 4 February.

ANALYSIS

Nigeria's armed forces have been deployed in two-thirds of the states in the country and are overstretched as Boko Haram, ISWA and bandit groups continue to expand their areas of operation. Over the past several years, Nigeria's military has perpetrated deadly and erroneous airstrikes. Such indiscriminate airstrikes raise concerns about the military's identification of legitimate targets and disregard for civilian casualties. While the authorities have issued apologies and acknowledged responsibility, minimal steps have been taken to seek justice or accountability or to ensure military operations minimize civilian harm.

Violence between herders and farmers has increased over the past decade as population growth has led to an expansion of the area dedicated to farming, leaving less land available for open grazing by cattle. Growing desertification has also

exacerbated tensions between communities as the loss of grazing land in the north has driven many ethnic Fulani herdsmen southward into areas farmed by settled communities that are predominantly Christian. While armed bandit groups are driven largely by criminal motives, many bandits are ethnic Fulani and prey on settled farming communities, exacerbating existing ethnic tensions.

RISK ASSESSMENT

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

NECESSARY ACTION

While the lack of adequate military protection for vulnerable populations needs to be urgently addressed, social initiatives and political reforms remain crucial for confronting the root causes of conflict, including poor governance, corruption, poverty, youth unemployment and environmental degradation. Local peace commissions established to mediate inter-communal tensions and build early warning systems, such as those in Adamawa, Kaduna and Plateau states, need to be duplicated in other high-risk regions. The federal government and state authorities must improve coordination to develop a common strategy that addresses the country's protection issues.

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

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



SUDAN

Populations in Sudan are enduring war crimes and crimes against humanity due to an armed confrontation between the Sudanese military and paramilitary forces. Non-Arab communities in Darfur are at risk of genocide as result of ethnically motivated killings.

BACKGROUND

On 15 April 2023 violent clashes broke out between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). In their fight to preserve and expand control, both parties have perpetrated indiscriminate and deliberate attacks against civilians and civilian objects, often with rocket shells, bombardments and heavy artillery, that amount to war crimes and crimes against humanity. There have also been reports of the brutal and widespread use of sexual violence, including rape, sexual assault, exploitation and sexual slavery. Access to food, medical care and other essential services has been severely disrupted and restricted. According to the IOM, over 6.1 million people have been internally displaced since 15 April while an additional 1.5 million have fled to neighboring countries.

The RSF has utilized the conflict to also launch a systematic campaign of ethnic cleansing and large-scale attacks targeting non-Arab communities, particularly the Massalit, in various parts of the country. Dozens of cities, towns and villages have been fully or partially destroyed across Darfur. Mass graves have been identified in El Geneina and Misterei, West Darfur. The UNSC-mandated Panel of Experts estimates that between 10,000 and 15,000 civilians were killed by the RSF and allied militia in El Geneina from April to June.

Strong condemnation and diplomatic efforts by the UN, AU, Intergovernmental Authority on Development (IGAD) and various countries, including Saudi Arabia, Egypt, South Sudan and the US, have yielded limited results. On 17 November the UN Secretary-General appointed a Personal Envoy on Sudan.

The conflict was initially sparked by mounting tensions between General Abdel Fattah al-Burhan, commander of the SAF, and General Mohamed Hamdan “Hemedti” Dagalo, commander of the RSF, regarding the integration of the RSF into Sudan’s regular forces as part of a political agreement aiming to establish a new transitional civilian authority. Sudan has undergone significant political changes since former President Omar al-Bashir was overthrown after country-wide protests in 2019. Leadership was handed over to a joint civilian-military transitional Sovereign Council until the military – under the leadership of General Burhan and supported by General Hemedti – seized power on 25 October 2021. Following the coup, millions of protesters demonstrated across the country, demanding the reinstatement of a genuine civilian-led government.

RECENT DEVELOPMENTS

Despite the escalation of fighting, on 16 November Sudan’s military authorities requested the immediate termination of the UN Integrated Transition Assistance Mission in Sudan. On 20 January Sudan suspended its membership with IGAD.

Between October and November the RSF secured control of four out of the five states in Darfur. During early January the RSF launched heavy attacks on El Fasher, North Darfur, killing an unconfirmed number of civilians and resulting in significant damage to civilian infrastructure. Throughout December and January the RSF also continued to strengthen its presence and expand control over territories in Al Jazeera State and areas of the Kordofan states. Fighting characterized by widespread and grave human rights violations and atrocity crimes, including sexual violence and the looting of humanitarian supplies, in and around the capital of Al Jazeera State, Wad Medani, prompted more than 500,000 people to flee during December alone.

In a briefing to the UNSC on 30 January the Chief Prosecutor of the ICC confirmed that there are grounds to believe that atrocity crimes are being committed in Darfur by both the SAF and RSF and affiliated groups. During January the HRC-mandated FFM and the AU High Level Panel on Sudan commenced their work.

Fighting between the SAF and RSF continues in Khartoum. At least 33 civilians were killed in the city on 11 January as a result of aerial bombardments and artillery fire. Following an RSF attack with mortar shells in SAF-controlled areas of Khartoum during early January, the SAF in turn intensified its attacks against RSF targets using aerial bombardments and heavy artillery. As attacks continued throughout February, civilians remained caught in the crossfire or deliberately targeted.

ANALYSIS

Since former President Bashir was ousted, General Burhan and General Hemedti have consistently obstructed Sudan’s political transition to preserve and expand their power and privileges. Both continued to recruit forces along ethnic lines

and strengthen relationships with regional powers, including several Gulf states. The transition process did not receive the necessary support from civil society groups and experts who felt that involving the military in negotiations legitimized the 2021 coup and rewarded actors involved in grave human rights violations and atrocities.

For decades, the Arab-dominated government imposed its control on ethnic minorities and exploited ethnic divisions and the presence of armed Arab militias – including the Janjaweed, the forerunner of the RSF – resulted in competition and deadly conflicts over shrinking resources and pastoral land. Local authorities have lacked the capacity and resources to ensure the protection of civilians. Amidst the current conflict, civilians in Darfur, particularly those from non-Arab communities, are at risk of ethnic cleansing and genocide given the region's genocidal history, entrenched impunity for past crimes and the ethnically charged nature of the current violence. A ceasefire agreement between the SAF and RSF will not bring an end to this parallel campaign of identity-based mass violence.

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

RISK ASSESSMENT

- Political instability caused by abrupt or irregular regime change or transfer of power and widespread mistrust in state institutions.
- Humanitarian and human rights crisis caused by armed confrontation between military actors, including in densely populated areas.
- Deliberate targeting of civilians based on their ethnicity, which may amount to ethnic cleansing and genocide.
- Past or present serious discriminatory, segregationist, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups, some of which may amount to crimes against humanity and acts of genocide.
- Absence of reconciliation or transitional justice processes following conflict and atrocities.

NECESSARY ACTION

General Burhan and General Hemedti must agree to a permanent cessation of hostilities and ensure adherence to IHL and IHRL

by all forces under their command. In addition to ceasefire negotiations, the international community must assess the risk of further atrocities, including evaluating which communities are at imminent risk, and determine appropriate response.

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

International and regional actors need to ensure that a permanent ceasefire agreement is followed by a credible political process that respects people's desire for democratic reform. States should urgently consider targeted sanctions against General Burhan and General Hemedti, including freezing personal bank accounts, as well as the accounts of companies to which they are connected. The UNSC must consider expanding the existing sanctions regime, including against those responsible for conflict-related sexual violence and the targeting of communities based on their ethnic identity.



SYRIA

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

BACKGROUND

Since March 2011 the government and opposition groups in Syria have engaged in an armed conflict. The protracted crisis has its roots in President Bashar al-Assad government's brutal suppression of protests in 2011, which quickly devolved into an internationalized country-wide conflict characterized by rampant atrocity crimes, including the illegal use of chemical weapons. During the conflict, Syrian government forces have been bolstered by Russian airstrikes, which commenced in September 2015. Since the start of the conflict at least

580,000 people have been killed, including an estimated 306,887 civilians who died from 1 March 2011 to 31 March 2021, according to the most recent civilian casualty figures from OHCHR. Nearly 13 million people have been displaced, including 6.7 million Syrian refugees.

Throughout areas under its control, the government systematically perpetrates arbitrary arrests, torture, enforced disappearances and deaths in detention. In areas previously held by the opposition, the government is imposing arbitrary restrictions on freedom of movement and depriving individuals of their property, which the HRC-mandated Col on Syria alleges may amount to the war crime of collective punishment. Government forces have also reportedly subjected civilians returning to Syria to arbitrary detention, enforced disappearances, extrajudicial killings and torture. Meanwhile, armed groups, like the Syrian National Army (SNA) and other Turkish-backed groups, perpetrate torture, ill-treatment, systematic looting and arbitrary detention.

The Col has reported more than 130,000 arbitrary detentions, abductions or disappearances since 2011, with the majority attributable to the Syrian government. Following intensive advocacy by Syrian victim, survivor and family associations, coordinating under the Truth and Justice Charter, on 29 June 2023 the UNGA established the Independent Institution on Missing Persons in Syria, mandated to clarify the fate and whereabouts of all missing persons in Syria and to provide support to victims, survivors and their families.

Syrians continuously suffer from hostilities and unrest along multiple regional frontlines, including across southern, northwest and northeast Syria. In northwest Syria, including in Idlib governorate, ground fighting, shelling and airstrikes have continued despite a ceasefire that has been in place since March 2020. Elsewhere in northern Syria, escalating hostilities and strikes between the SNA and Syrian Defense Forces (SDF) continue, while IEDs, as well as indiscriminate shelling and airstrikes, killed and wounded hundreds of civilians throughout 2023. The armed extremist group Hay'at Tahrir al-Sham also continues to perpetrate abuses, including arbitrarily detaining activists and journalists and torture and ill-treatment in detention.

In 2014 the so-called Islamic State of Iraq and the Levant declared a caliphate across Iraq and Syria and perpetrated widespread abuses against civilians until the group was militarily defeated in their last territorial stronghold in 2019. At least 52,000 people, mainly women and children, remain trapped in squalid detention camps run by the Kurdish-backed SDF. The Col has reported that the conditions may amount to cruel or inhuman treatment and may constitute the war crime of outrage upon personal dignity, while the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has

reported that the indefinite detention of children with no legal process likely amounts to fundamental breaches of the rights of the child under international law.

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

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

RECENT DEVELOPMENTS

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

In early January 2024 the Syrian government extended an agreement with the UN to allow humanitarian aid deliveries through the Bab al-Hawa crossing until 13 July.

ANALYSIS

For over a decade the government of Syria, its allies and armed opposition groups have all perpetrated countless attacks on civilians and civilian infrastructure, blatantly disregarding international law. Government forces have committed murder, torture and sexual violence as a matter of state policy. All parties to the conflict continue to commit acts that may amount

to war crimes and crimes against humanity. Ongoing violations of various ceasefire agreements greatly increase the risk of recurrence of large-scale conflict.

As various armed groups attempt to consolidate their control over territory in a fragmented Syria, civilians are facing indiscriminate hostilities, as well as widespread and systematic human rights violations. The Syrian government and other parties to the conflict continue to perpetrate detention and disappearance as a strategy to control and intimidate civilians, confirming ongoing patterns of crimes against humanity and war crimes. It remains unsafe for Syrians to return to their country.

RISK ASSESSMENT

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

NECESSARY ACTION

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

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

UN member states must ensure the Independent Institution on Missing Persons in Syria receives sufficient resources to be able to fully carry out its mandate. UN member states should also continue to pursue accountability for alleged atrocities under universal jurisdiction. The UNSC should refer the situation in Syria to the ICC.



UKRAINE

Russian forces have widely perpetrated possible war crimes and crimes against humanity since their invasion of Ukraine. Ukrainian forces have also committed potential war crimes.

BACKGROUND

Since 24 February 2022, when Russian Armed Forces invaded Ukraine, cities and towns across the country have been bombarded with indiscriminate explosive weapons. The HRC-mandated Col on Ukraine has documented evidence of war crimes committed against the civilian population by Russian forces, including indiscriminate attacks, torture and sexual and gender-based violence. The UN has verified more than 10,582 civilian deaths since the start of the conflict while emphasizing that there are likely thousands of unverified casualties. The conflict has caused a massive humanitarian crisis, displacing at least 10 million people, including more than 6.3 million who fled to neighboring countries, and leaving 14.6 million in need of assistance.

The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has documented the widespread use of heavy artillery and multiple launch rocket systems, missiles, airstrikes and illegal cluster munitions in populated areas. Schools, homes, water and sanitation systems, energy-related infrastructure and civilian shelters have been routinely targeted. The World Health Organization has verified over 1,500 attacks on healthcare since February 2022. Russian forces have bombed and pillaged Ukrainian historical, religious and cultural sites, with the UN Educational, Scientific and Cultural Organization verifying damage to at least 337 cultural sites. Since Russia suspended its participation in the Black Sea Grain Initiative on 17 July 2023, Russian forces have carried out a series of attacks on Ukraine's port and shipping infrastructure, destroying facilities and hundreds of thousands of metric tons of grain destined for export.

In areas under their control, Russian forces have perpetrated grave abuses that may amount to war crimes, including killings, rape and torture. Mass graves and burial sites have been found in areas retaken from Russian forces. According to the Col, the systematic use of torture in Russian-occupied areas may amount to crimes against humanity. Ukrainian and Russian forces have both committed abuses against prisoners of war, including torture and ill-treatment, according to the HRMMU. The UN has documented violations of international law by mercenary operatives from the Wagner Group, including enforced disappearances, ill-treatment and extrajudicial executions of prisoners of war.

The UN and the Organization for Security and Co-Operation in Europe have verified evidence of grave crimes against children, including killing and maiming, as well as unlawful transfers and deportations of thousands of children, that may amount to war crimes or crimes against humanity. On 17 March 2023 the ICC issued arrest warrants for Russian President Vladimir Putin and the Commissioner for Children's Rights in the Office of the President of Russia, Maria Alekseyevna Lvova-Belova, for their alleged responsibility for the deportation and transfer of population from occupied areas of Ukraine to Russia.

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

Russia's aggression in Ukraine has been widely condemned and many states and intergovernmental organizations have responded with unprecedented targeted sanctions, economic measures and other restrictions. Some states have provided Ukraine's military with weapons, including banned cluster munitions. The UNGA has passed numerous resolutions that have demanded humanitarian access to civilians, condemned and demanded the immediate reversal of Russia's annexation of occupied Ukrainian territory and called for reparations and justice for violations of IHL. Meanwhile, after Ukraine filed a case asking for clarification under Article IX of the Genocide Convention, on 16 March 2022 the ICJ imposed provisional measures, calling on Russia to suspend military operations and cease advancing, as well as calling on all parties to refrain from actions that may prolong the conflict. The ICC also opened a field office in Kyiv to assist with the prosecution of over 100,000 cases of war crimes documented by the Ukrainian authorities.

RECENT DEVELOPMENTS

On 2 November the US announced new sanctions against hundreds of individuals and entities targeting future Russian energy projects and manufacturing of suicide drones, as well as closing pre-existing loopholes for dual-use goods. On 22 December the US expanded sanctions prohibiting financial institutions from facilitating transactions with institutions supporting Russia's military and limited imports of Russian goods from third states.

From 29 December-2 January Russian forces levied intense aerial attacks on Ukrainian cities, killing 96 people and injuring 423 others. These attacks continue to impact access to electricity, heat and water during winter.

On 2 February 2024 the ICJ delivered its judgement in the case brought by Ukraine against Russia. While the Court determined it cannot adjudicate on whether Russia's invasion violated its obligations under the Genocide Convention, the Court will investigate Russia's allegations that Ukraine committed a genocide against the Russian-speaking population in Donbas, which is one of Russia's justifications for the invasion.

ANALYSIS

Russian forces have perpetrated widespread violations of IHL and IHRL, many of which may amount to war crimes and crimes against humanity. Civilians in Ukraine continue to be at risk as Russian forces target residential buildings and other civilian infrastructure with drone and rocket strikes. Ukrainian forces have also perpetrated violations and abuses of international law as they continue a counteroffensive to regain territory. Although the conflict is stagnant in Donbas, civilians on either side of the front lines remain at increased risk as both Russian and Ukrainian forces continue to use banned cluster munitions.

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

The breakdown of the Black Sea Grain Initiative has global implications due to economic sanctions and Russia and Ukraine's role as major exporters of grain and cooking oils. Increasing scarcity and costs have impeded aid operations for vulnerable populations worldwide and put more pressure on situations prone to resource-related conflict.

RISK ASSESSMENT

- Failure to adequately halt and address violations of IHL and IHRL in eastern Ukraine since at least 2014.
- Russia's pattern of violence against civilians, their property, livelihoods and cultural symbols and blatant disregard for IHL.

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

NECESSARY ACTION

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

All parties should continue negotiations aimed at resuming safety guarantees in the Black Sea.

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



VENEZUELA

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

BACKGROUND

Following years of the gradual erosion of the rule of law, endemic corruption and democratic space, in 2014 mass protests erupted in Venezuela in response to insecurity, hyperinflation and a lack of essential services. Security forces reacted with disproportionate force, torture and sexual violence. Similar violations were perpetrated during subsequent protests, including in 2019 when the start of President Nicolás Maduro's second term caused a protracted political crisis. The Venezuelan government, including its security and intelligence apparatus, has perpetrated systematic arbitrary detention, torture and ill-treatment, sexual and gender-based violence and short-term enforced disappearances targeting actual and perceived opponents. Various security forces have also allegedly perpetrated tens of thousands of extrajudicial killings in the name of combating crime, predominantly targeting men between 18 and 30 living in low-income neighborhoods.

In 2019 the HRC authorized the creation of a FFM on Venezuela. The FFM has established that some violations and abuses committed since at least 2014 were part of a "widespread and systematic attack" against the civilian population. In September 2022 the FFM warned that patterns of detention, torture and other violations continue "as part of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity."

The multidimensional crisis has left millions of Venezuelans unable to access basic services. Venezuelan civil society platform HumVenezuela warned that an estimated 19 million people inside Venezuela need assistance. The crisis has also triggered the largest migration crisis in Latin America, with more than 7.7 million people having left the country since 2014. Communities across Venezuela are also at heightened risk

of egregious abuses by non-state armed groups or criminal gangs, acting at times with the consent and direct involvement of Venezuelan state agents who have been implicated in possible crimes against humanity.

Several governments, including Canada and Switzerland, have enforced an extensive individual sanctions regime. Since 2017 the EU has maintained sanctions against 54 senior officials. The US government has also imposed targeted sanctions against the Venezuelan government, as well as broader sectoral sanctions that have exacerbated the country's pre-existing complex humanitarian emergency.

Venezuela's government has refused to cooperate with the FFM and other mechanisms. Despite initially agreeing to expand the presence of OHCHR, on 15 February 2024 the government demanded the withdrawal of OHCHR staff within 72 hours. Although the government has expressed its approval for the ICC to establish a country office in Caracas, it has continued to block ongoing investigations.

RECENT DEVELOPMENTS

Government repression has continued to rapidly intensify in recent months ahead of the scheduled presidential elections in 2024. On 25 September the FFM warned of increasing selective repression targeting civil society organizations, trade and labor unionists, independent media, as well as political opponents and their families. The FFM also highlighted that high-ranking officials regularly resort to public smear campaigns and harassment against human rights defenders and journalists, which has contributed to an environment of self-censorship.

On 9 January 2024 the ruling party announced renewed efforts to expedite the adoption of an undisclosed bill that would effectively hinder the free functioning of civil society organizations. The National Assembly initially announced plans to pass such legislation a year ago. On 26 January the Supreme Court upheld a ban on the leading presidential opposition candidate amidst ongoing harassment and threats against political opponents. Since January the government has carried out several enforced disappearances of actual or alleged opponents, including a prominent human rights defender and her family.

Current measures jeopardize the Barbados agreement, which was signed on 17 October between the government and groups of opposition parties and includes an electoral roadmap. In response to the signing of the agreement, the US temporarily lifted a set of non-targeted sanctions. In November the EU extended its existing targeted sanctions regime for a period of six months, but indicated a willingness to reassess based on implementation of the agreement.

On 7 November the government appealed the decision by the ICC to resume investigations into alleged crimes against humanity

following a previous assessment by the Court that domestic investigations are insufficient. This latest measure follows multiple attempts by the Venezuelan government to limit ICC scrutiny since the opening of an investigation in November 2021.

ANALYSIS

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

Increasing engagement with the ICC and, until recently, OHCHR highlights that the Venezuelan government has been receptive to multilateral pressure. However, no structural changes have been implemented to the country's judiciary, intelligence or security sector and state actors continue to perpetrate systematic abuses. Venezuelan civil society collective Justicia y Verdad has documented evidence that the government has failed to implement recommendations issued by the UN human rights system.

Human rights organizations have warned for over two years that presidential and general elections in 2024 and 2025 pose a severe risk of intensifying government repression, similar to previous voting cycles. The suspension of OHCHR in-country activities, as well as increasing targeted persecution, attacks against civic space and a systematic campaign against political opposition, are early warning signs of a deteriorating situation and possible recurrence of atrocity crimes. Draft legislation to restrict civic space would have disastrous consequences for populations across the country as civil society organizations have become the main provider of assistance and relief.

Venezuela's judicial system is perpetuating impunity for possible atrocity crimes. Government-linked media outlets also play a key role in state repression and persecution. Independent monitoring, including by the FFM, is essential to prevent the recurrence of crimes against humanity and alert the international community to appropriate prevention strategies, including in the context of upcoming elections.

RISK ASSESSMENT

- Senior government officials involved in the planning and commission of violent acts, including possible crimes against humanity, to crush political dissent and combat crime.
- Lack of independent and impartial judiciary, as well as impunity for or tolerance of serious violations of international law, including atrocity crimes.
- Adoption of measures to criminalize civil society organizations and attacks against democratic institutions and electoral guarantees, particularly ahead of scheduled elections.

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

NECESSARY ACTION

Venezuelan authorities must immediately end the systematic repression of all actual or alleged opponents, release all individuals subject to arbitrary detention and enforced disappearances and revoke the draft legislation aimed at effectively closing civic space. The government should also commit to genuine and comprehensive reform and ensure impartial investigations of all serious violations and abuses, including at the highest level, and implement recommendations issued by the wider UN human rights system.

Regional actors, including Colombia and Brazil, should leverage their engagement with the Maduro administration to exert concerted diplomatic and political pressure to ensure the government reverts repressive policies. The EU should continue to push for the deployment of an independent electoral observer mission and respect for the Barbados agreement.

Latin American governments, the EU, Canada and US should revitalize efforts to build a common roadmap for political engagement with Venezuela which prioritizes human rights protections, accountability and humanitarian relief, while focusing on prevention and mitigation strategies in relation to targeted repression. The international donor community should expand their support for civil society organizations documenting human rights violations and providing humanitarian relief to populations in need.



CAMEROON

Civilians in the Anglophone regions of Cameroon are at an imminent risk of atrocity crimes due to continued violence between government forces and armed separatists. Armed extremist groups also pose an ongoing threat in the Far North region.

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 the north-west and south-west regions, an area predominantly inhabited by the country's Anglophone minority. In October 2017 Anglophone separatists proclaimed independence and declared a new state of "Ambazonia" in the north-west and south-west regions. Since then, armed separatists and Cameroonian security forces have clashed, resulting in widespread atrocities against the civilian population.

During the conflict, security forces have perpetrated extrajudicial killings and widespread sexual and gender-based violence, burned Anglophone villages and subjected individuals with suspected separatist ties to arbitrary detention, torture and ill-treatment. Armed separatists have also killed, kidnapped and terrorized populations while steadily asserting control over large parts of the Anglophone regions. Separatists and government forces have also perpetrated targeted attacks on health facilities and humanitarian workers, restricting the delivery of vital aid and forcing various international humanitarian organizations to suspend their operations. More than 6,000 people have been killed as a result of the violence since 2016, although actual numbers are expected to be higher. According to OCHA, more than 1.7 million people are in need of humanitarian assistance in the north-west and south-west regions. OCHA also estimates that at least 638,421 people have been internally displaced by violence in the two regions while more than 63,204 have fled to Nigeria.

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

Despite the deteriorating security and humanitarian situation, the government of Cameroon continues to deny the severity of the crisis and has yet to take any meaningful action aimed at ending the conflict or addressing its root causes. The international community has also taken limited action in response to the situation. The Council of the EU, 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.

In the Far North region of Cameroon, populations are also facing atrocity risks posed by the armed extremist group Boko Haram. Since early 2023 the group has increased its attacks, prompting Cameroonian officials to request additional troops from the regional MNJTF to be deployed. According to OCHA, 246 attacks were reported between January and July 2023. Further attacks between August and late October resulted in more than 40 people killed and at least 14 others abducted.

RECENT DEVELOPMENTS

The security situation remains highly volatile in the Anglophone north-west and south-west regions. During late 2023 and early 2024, armed clashes between government forces and separatist groups, as well as infighting among different separatist groups, continued to affect civilian populations. At least 30 civilians, predominantly from the Boki community, were killed following an attack on 6 November in Egbekaw village, Mamfe, by armed separatists who had accused members of the Boki community of hiring mercenaries from Nigeria to fight them. Tensions in Mamfe increased again during January, when an army officer shot and killed a pregnant woman at a checkpoint.

At least nine civilians were killed when armed separatists on motorbikes attacked a weekly market in Bamenyam town on 21 November. Residents in Bamenda were forced to remain indoors when armed separatist attacked the second district police station in Nkwen on 15 January, resulting in the death of one civilian. Education also remains heavily affected by the security situation in the Anglophone region. On 21 November the vice principal of a high school in Kumba was kidnapped, assaulted and killed by alleged armed separatists. On 20 January a group of armed men attacked another school in Kumba, where they abused and robbed students.

ANALYSIS

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

Civilian populations, particularly women and children, are disproportionately bearing the brunt of violence. The targeting of individuals based upon their cultural identity poses a direct threat to Anglophone civilians and may amount to war crimes and crimes against humanity. Ethnic communities are also often targeted for their alleged collaboration with either side of the conflict.

The conflict dynamics in the Anglophone regions have changed as the crisis has become increasingly financially lucrative, with separatist groups having expanded their sources of revenue through kidnapping and extortion. Armed separatist groups are increasingly disorganized and competing, making the situation – and possible pathways to peace – extremely challenging.

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

RISK ASSESSMENT

- Past or present discriminatory, restrictive or exclusionary practices, policies or legislation against marginalized communities and persons belonging to minority groups.
- Politicization of identity, past events or motives to engage in violence.
- Increased fragmentation of armed groups posing a significant challenge to conflict termination and sustainable peace.
- Policy or practice of impunity for – or tolerance of – serious violations of IHRL and IHL, atrocity crimes or their incitement.
- Lack of capacity to ensure the security sector adheres to the highest standards of professionalism, international law and the protection of human rights.

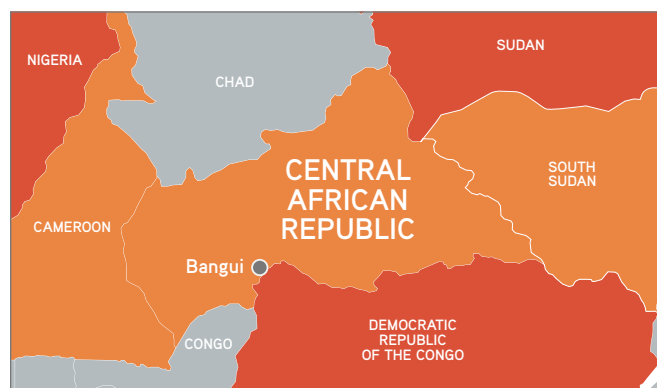
NECESSARY ACTION

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

and unfettered humanitarian access should be restored and guaranteed. Foreign governments and regional organizations should suspend all military assistance to Cameroon until its security forces have made demonstrable progress toward upholding the human rights of all Cameroonians. Civilian protection must be enhanced in the Far North region.

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

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



CENTRAL AFRICAN REPUBLIC

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

BACKGROUND

During December 2020 a loose alliance of predatory armed groups, known as the Coalition des patriotes pour le changement (CPC), launched a violent offensive against the government of the Central African Republic (CAR). For more than three years the CPC and other armed groups have launched attacks while perpetrating violations of IHL, including killing and abducting civilians, the forcible recruitment of children and attacks on civilian infrastructure, humanitarian workers and the UN peacekeeping mission (MINUSCA). The Central African Armed Forces (FACA) – working closely with Russian security partners, including mercenary fighters from the Wagner Group – have responded with counteroffensives, forcing armed groups to withdraw from major cities. The CPC and other armed groups

continue to launch intermittent attacks in outlying villages and remote areas.

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

During March 2023 the Azande Ani Kpi Gbe (AAKG), a predominantly ethnic Azande armed group, emerged in Haut-Mbomou prefecture and sporadically clashes with the UPC, a predominantly Fulani armed group. The group forcibly recruited Azande youth and has targeted Fulani and Muslim communities with threats and abductions for alleged collusion with the UPC. Ethnic and religious minorities, particularly the Fulani and Muslims, have also been disproportionately targeted in abuses – including attacks, ill-treatment, illegal arrests and detentions – in operations by FACA troops and Russian mercenaries. OHCHR has previously implicated proxy forces – who were recruited, trained and armed by FACA and Russian mercenaries – in incidents targeting and punishing Muslim and Fulani communities that may amount to war crimes and crimes against humanity. The police have also arbitrarily arrested, illegally detained and tortured members of the Fulani community.

Government institutions have cracked down on human rights defenders, independent media and the opposition. MINUSCA has recorded increased cases of hate speech and incitement targeting ethnic and religious communities and migrant workers, particularly transhumance communities, as well as against dissenting voices. At times such discourse resulted in intimidation, threats and acts of violence.

Assistance to IDPs has been hampered by attacks on humanitarians and insecurity. According to OCHA, at least one security incident affected humanitarian actors every two days in 2023.

The protracted crisis in CAR has its origins in the overthrow of President François Bozizé during March 2013 by the mainly Muslim Séléka rebel alliance. Abuses by the Séléka led to the formation of predominantly Christian anti-balaka militias and the collapse of state institutions. Anti-balaka and ex-Séléka forces may have committed war crimes and crimes against humanity between 2013-2015. Although a 2019 peace deal formally ended the conflict, armed groups continued to engage in sporadic violence.

Trials are ongoing at the ICC for former anti-balaka leaders and a Séléka leader. On 7 September the Special Criminal Court (SCC)

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

RECENT DEVELOPMENTS

On 15 January 2024 an IED killed one peacekeeper and wounded five others in Ouham-Pendé prefecture. Following this attack, the UNSC condemned the increasing use of explosive ordnance, which have caused a growing number of civilian casualties and destroyed critical infrastructure, and expressed concern about transnational trafficking networks that fund and supply armed groups.

Ahead of the transhumance season, during January MINUSCA established temporary bases in high-risk areas of northern CAR to secure the area and help prevent potential violence. During February the CPC clashed with Fulani pastoralists, resulting in casualties.

There has been continued armed group activity and routine IHL violations and human rights abuses in rural and border areas of the country, as well as mining sites. The UN Committee on the Elimination of Discrimination against Women has raised concern about the disproportionate risk of violence, extrajudicial killings, displacement and forced disappearances for rural women. During December the 3R (Retour, Réclamation et Réhabilitation) armed group reportedly summarily executed at least 22 civilians during an attack on the northern village of Nzakoundou. During February the CAR government reported that 10,000 children continue to fight alongside armed groups. Between October and February MINUSCA documented a 30 percent increase in violations and abuses against children, including grave violations and conflict-related sexual violence, primarily committed by CPC-affiliated armed groups. The AAKG launched renewed attacks in Haut-Mbomou, abducting several Fulani and Muslim civilians and targeting NGO workers.

ANALYSIS

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

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

CAR has a history of widespread impunity that has fueled cycles of armed conflict and atrocities. While there are several mechanisms mandated to deal with international crimes perpetrated in CAR, accountability remains limited with few

alleged perpetrators having been arrested, prosecuted or tried for war crimes and crimes against humanity since 2013.

The cross-border flow of foreign fighters, arms and natural resources is contributing to a thriving conflict-economy. Competition for control of profitable minerals has resulted in armed groups committing abuses against civilians. Wagner operatives, who have a record of alleged abuses in conflict zones around the world, have committed human rights abuses as they increase their control of gold-mining areas.

RISK ASSESSMENT

- Ongoing security crisis caused by, among other factors, defection from a peace agreement, lack of commitment to a ceasefire and mobilization of armed groups at mineral-rich border areas.
- Acts of violence against vulnerable populations, particularly minority groups, women and children.
- Obstruction of MINUSCA's freedom of movement, impeding civilian protection efforts and the ability to identify and clear explosive ordnance.
- Repressive measures imposed by authorities to close civic space and suppress dissent, resulting in a climate of fear and incitement to violence and discrimination.
- Cross-border transhumance marked by tensions and heightened risk of violence between herders and farmers, as well as between armed groups and herders.

NECESSARY ACTION

All armed actors must adhere to their obligations under IHL and IHRL. It is imperative that all parties cooperate with MINUSCA, ensuring the Mission can effectively carry out its mandate. CAR authorities must guarantee the independence of institutions, respect freedom of peaceful assembly and association and counter incitement to violence.

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

All perpetrators of atrocity crimes in CAR should be held legally accountable, regardless of their rank, affiliation or nationality. The government should prioritize accountability by launching and operationalizing all criminal and other courts intending to address cases of human rights violations and abuses. The authorities must cooperate with the SCC to ensure that suspects subject to its arrest warrants are taken into custody, regardless of the political or military status of the individual. The international community should ensure that the SCC has sufficient resources to carry out its mandate.



SOUTH SUDAN

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

BACKGROUND

Frequent sub-national clashes in South Sudan threaten populations in various parts of the country. For several years senior political and military leaders in the country have manipulated long-standing enmities between rival ethnic communities, enabling national level political dynamics to spark local conflicts. 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.

Some herding and farming communities, who have a history of competing over resources, continue to engage in violent inter-communal clashes, as well as cattle raiding and revenge killings. The increasing scarcity of resources as a result of climate change has exacerbated this fighting. According to the UN Mission in South Sudan (UNMISS), at least 323 civilians were killed in inter-communal or political violence between 1 September and 30 November, including 27 women and 21 children.

Ongoing instability has its origins in a war that resulted in an estimated 400,000 people killed between December 2013 and August 2015 as the Sudan People's Liberation Army (SPLA) and armed rebels from the opposition SPLA-In Opposition perpetrated war crimes and crimes against humanity, including extrajudicial killings, torture, child abductions and sexual violence. Despite the signing of numerous peace agreements between 2015 and 2018, intermittent fighting and ethnic violence continued. In September 2018 a Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan

(R-ARCSS), brokered by IGAD, was signed by the parties to the conflict – including President Salva Kiir and then former Vice President and opposition leader Riek Machar – formally ending the civil war. The subsequent formation of the Transitional Government of National Unity (TGoNU) in 2020 provided an opportunity to address divisions and support sustainable solutions to the conflict. However, bitter disagreements between and within parties of the TGoNU have widened divisions in the country and further exacerbated tensions at the local level.

According to OCHA, over 9.4 million people – more than two thirds of the population – need humanitarian assistance. OCHA has reported that the most vulnerable, including women, children, the elderly and disabled, are bearing the brunt of the prolonged crisis as ongoing clashes exacerbate the humanitarian situation. An estimated 2 million people remain internally displaced and 2.23 million have fled to neighboring countries. South Sudan is one of the most dangerous countries for humanitarian workers, with more than 143 killed since 2013.

RECENT DEVELOPMENTS

On 31 January 2024 at least 38 people were killed following clashes between communities in the Alor area in Lakes State. Cattle herders from Warrap State, looking for water and pasture during the dry season, entered disputed wetlands and clashed with residents. Between late December and early February armed youth from the Twic Dinka community from Warrap State carried out attacks against the Ngok Dinka in neighboring Abyei, killing at least 136 people.

South Sudan's long-delayed elections are scheduled to be held in December 2024. Despite the many delays in holding the election, the UN Special Representative of the Secretary-General for South Sudan warned that the country is not yet in a position to hold a credible election. Among other concerns, security sector reform remains significantly behind schedule and the permanent constitution-making process is delayed by 15 months. While members of the National Election Commission, the Political Parties Council and the National Constitution Review Commission were appointed in November, complaints have been submitted about whether their composition is in line with the R-ARCSS. During December a UN report on UNMISS warned that potential election-related violence is a major security and civilian protection concern in 2024.

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

ANALYSIS

The repeated failure to uphold multiple peace agreements, continued political competition and mobilization of armed groups shows a lack of genuine commitment to a political solution by South Sudan's leaders. Political leaders have continued to focus on the preservation of their personal power, allowing mistrust to reinvigorate ethnic tensions and fuel violence across the country. Delays in reforming the security sector appear to be a deliberate strategy by President Kiir to retain dominance. The disappearance of civic and political space diminishes opportunities for civilians to participate in constitution-making, transitional justice, national elections and other essential democratic processes and may give rise to grievances that become a trigger for atrocity crimes.

The Abyei Administrative Area is a disputed border region between Sudan and South Sudan and claimed by both countries, resulting in ill-defined borders. Abyei is traditionally the homeland of the Ngok Dinka community, which has strong ties to the Dinka in South Sudan. Recurrent inter-communal conflict is deeply rooted in grievances and competition over borders and resource allocation, as the region consists of farmland, desert and oil fields. Climate change and severe droughts have exacerbated cycles of violence.

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

A pervasive culture of impunity continues to fuel resentment, recurring cycles of armed violence and atrocity crimes. Neither the government nor opposition groups have held perpetrators within their own ranks accountable for past or current atrocities and none of the transitional justice mechanisms provided for by the R-ARCSS, including the Hybrid Court, have been established.

RISK ASSESSMENT

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

- Capacity to commit atrocity crimes, including availability of personnel, arms and ammunition.
- Repression of civic and political space.

NECESSARY ACTION

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

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

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

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



YEMEN

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

BACKGROUND

Since 2015 civilians in Yemen have suffered from recurrent war crimes and crimes against humanity. Fighting between Houthi forces, the Southern Transitional Council (STC) and forces loyal to the internationally recognized government – as well as airstrikes by a Saudi Arabia and United Arab Emirates (UAE)-led international coalition – have resulted in the death of thousands of civilians since March 2015. More than 19,200 civilians, including over 2,300 children, have been killed or maimed as a result of coalition airstrikes alone. The conflict has displaced at least 4 million people and created the world's largest humanitarian crisis, with more than 18 million people in need of humanitarian assistance and protection and over 17 million facing food insecurity.

The UNSC-mandated Panel of Experts on Yemen has reported that since 2015 arbitrary arrests and detention, enforced disappearances, ill-treatment and torture of detainees have been conducted by all parties to the conflict. From 2018–2021 the HRC-mandated Group of Eminent Experts (GEE) on Yemen also documented a pattern of violations and abuses of international law perpetrated by all parties to the conflict that may amount to war crimes, including indiscriminate airstrikes and shelling, torture, arbitrary detention and sexual and gender-based violence, as well as attacks on essential civilian infrastructure such as water reservoirs and hospitals. The GEE alleged that Canada, France, Iran, the UK and US may be complicit in these violations due to their provision of military intelligence, arms and logistical support to some parties to the conflict.

In October 2021, following heavy diplomatic and political pressure from Saudi Arabia, the HRC failed to renew the mandate of the GEE, terminating the only international

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

On 2 April 2022 parties to the conflict commenced a truce brokered by the UN Special Envoy for Yemen, Hans Grundberg, which expired six-months later. The truce – the first negotiated country-wide ceasefire since 2016 – included a cessation of all attacks, the entry of fuel ships in Hodeidah ports and the operation of commercial flights at Sana'a airport. Although there was a significant decrease in civilian casualties during the truce, ACLED recorded 2,208 incidents of shelling, artillery and missile attacks, 374 air and drone strikes and 369 armed clashes resulting in over 938 civilian casualties. OCHA recorded approximately 1,205 incidents of interference with humanitarian access, including violence against aid workers. Civilians were also widely subjected to violations and abuses of human rights, including enforced disappearances, torture and sexual violence.

The crisis in Yemen has been ongoing for over 20 years, but dramatically escalated during 2014 when, amid a UN-facilitated political transition process, Houthi forces and military units loyal to former President Ali Abdullah Saleh took control of numerous governorates, including the capital Sana'a, and forced then President Abd Rabbu Mansour Hadi and his government to resign. On 26 March 2015 the Saudi/UAE-led coalition launched a military intervention in Yemen to restore the internationally recognized government of President Hadi.

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

RECENT DEVELOPMENTS

Since 19 November Houthi forces in Yemen have been attacking commercial vessels in the Red Sea, including firing missiles and drones and arbitrarily detaining civilian crew members. In response, the US and UK have launched airstrikes across multiple parts of Yemen since 9 January. According to the Yemen Data Project, at least 31 air raids occurred throughout January with no civilian casualties reported. The UNSC adopted a resolution on 10 January demanding Houthi forces immediately cease these attacks and acknowledging the right of member states to defend their vessels from attacks in accordance with international law. The Houthis have not presented any evidence to demonstrate that the targeted ships constituted legitimate military objects.

Prior to the Red Sea attacks, Saudi officials and Houthi leadership engaged in negotiations brokered by Oman, as well as UN Special Envoy Grundberg, agreeing in December 2023 to

preliminary steps toward a ceasefire. Political negotiations thus far have not included affected communities, including victim and survivor communities, as well as certain parties to the conflict, minority groups and women. In July over 60 Yemeni civil society organizations released the Yemen Declaration for Justice and Reconciliation, in which they set forth their common vision for achieving justice and reconciliation in post-conflict Yemen.

Meanwhile, all parties to the conflict continue to perpetrate human rights violations and abuses, including arbitrary detentions, enforced disappearances and torture, as well as likely violations of IHL, including targeting of civilians and denial of humanitarian access. Although there has not been a significant escalation in hostilities following the truce expiration, at least 2,140 civilians have been killed or injured since October 2022, as occasional clashes continue across several governorates, including Al Bayda, Shabwah, Marib, Hodeidah and Taizz. Ongoing patterns of violations against minority communities, including followers of the Baha'i faith, demonstrate targeted persecution of religious minorities by Houthis security forces.

ANALYSIS

While the reduction of hostilities provides tangible relief to civilians, atrocity risks remain until a permanent truce and inclusive negotiated peace settlement are reached and extensive justice and accountability efforts, including reparations to victims, are advanced. The lack of inclusive dialogue throughout the negotiations process limits the capacity of these groups to advocate for their protection and risks entrenching violations and abuses.

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

RISK ASSESSMENT

- Ongoing serious human rights violations and violent incidents that adversely affect civilians.
- Legacy of likely atrocity crimes perpetrated before 2014 and recent history of atrocity crimes perpetrated by all parties to the conflict.
- Impunity enjoyed by all perpetrators for previous and ongoing atrocity crimes, fueled by an inability and/or unwillingness of the international human rights system to effectively address the situation.

- Inadequate protection for and ongoing threats toward minorities, women, children, human rights defenders and IDPs.

- Political, economic and social instability, increasing the risks of return to large-scale conflict.

NECESSARY ACTION

All parties to the conflict should fully recommit to a country-wide truce and reach a negotiated end to the protracted conflict, while all stakeholders, including third party states, must make every effort to preserve progress made thus far. Any political negotiations should include all relevant parties to the conflict and other key groups in Yemen, as well as ensure that accountability and justice feature prominently in the peace process. All key stakeholders, including the international community, must take urgent steps to implement the Yemen Declaration for Justice and Reconciliation.

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

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

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

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

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

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

GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT

New York | Geneva

Executive Director

Savita Pawnday

Director of Policy and Research

Jaclyn D. Streitfeld-Hall

Editor

Christine Caldera

Contributors

Jahaan Pittalwala, Juliette Paauwe,
Christine Caldera, Sarah Hunter, Elisabeth
Pramendorfer and Julia Saltzman

www.globalr2p.org

info@globalr2p.org



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