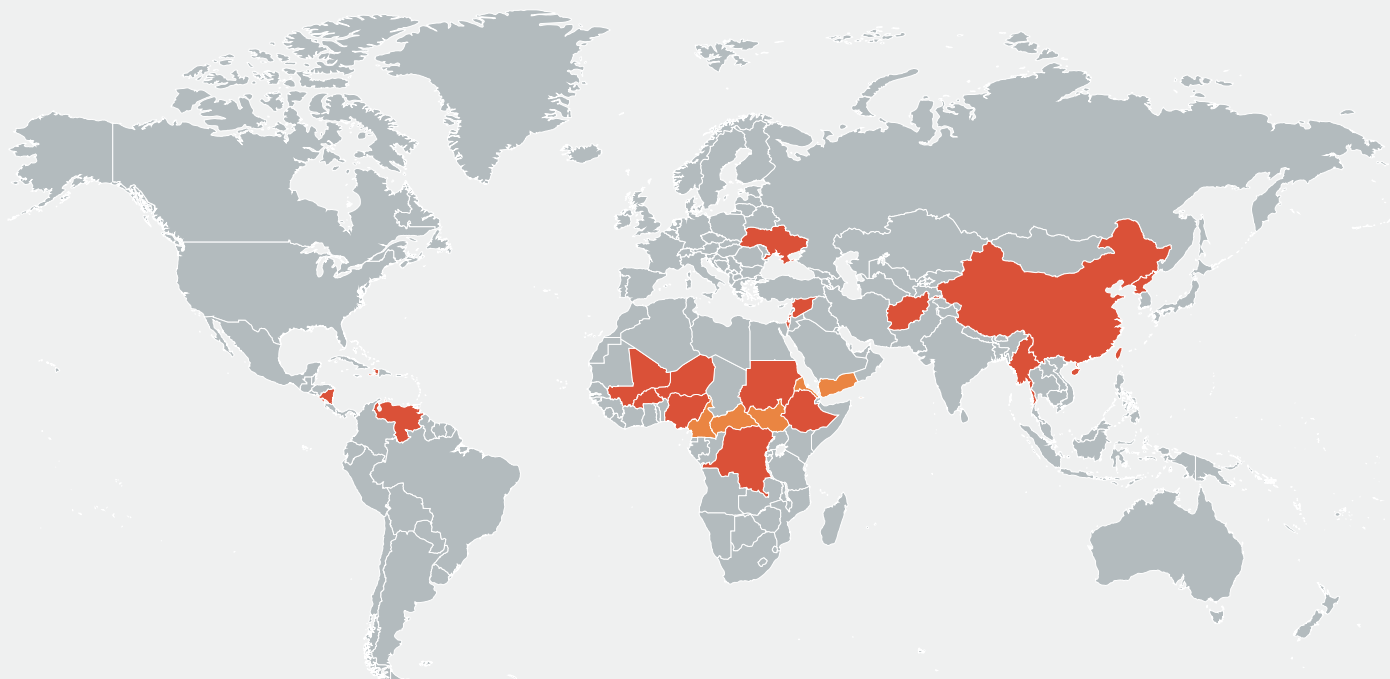


**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>918</b>
Land:	Sudan
Kilde:	Global Centre for the Responsibility to Protect
Titel:	R2P Monitor - Issue 71
Udgivet:	1. december 2024
Optaget på baggrundsmaterialet:	13. januar 2025



## 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 implemented restrictive policies and practices that deny women and girls their human rights, perpetuating extreme forms of gender-based discrimination and flagrantly violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Since August 2021 over 50 sweeping repressive edicts, regulations and decrees have been enacted that target women and girls, severely limiting their freedom of movement, freedom of opinion and expression, employment opportunities, political and public representation and access to education and healthcare. According to the UN Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on Discrimination Against Women and Girls, the Taliban 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. Women's rights activists and gender equality advocates have faced targeted killings, enforced disappearances, incommunicado detention, attacks and harassment.

The UN Assistance Mission in Afghanistan (UNAMA) has documented evidence of the Taliban committing extrajudicial killings, arbitrary arrests and detentions, incommunicado detention and torture and ill-treatment against specific

groups, including media workers, human rights defenders and individuals affiliated with the former government.

Meanwhile, ISIL-K frequently claims attacks that target Shia Hazara, other Shia Muslims, Sufi Muslims, Sikhs and other minorities, as well as places of worship. Individuals from ethnic and religious minority communities have been arbitrarily arrested, tortured, summarily executed and forced to flee. The UN Special Rapporteur reported 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.

The people of Afghanistan are enduring a severe humanitarian crisis, compounded by the impact of sanctions and the freezing of state assets. In 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), more than half of Afghanistan's population needs 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. In 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. In September 2021 Chief Prosecutor Karim Khan announced the investigation would focus on crimes allegedly perpetrated by the Taliban and ISIL-K and de-prioritize other aspects, including acts committed by Afghan national security forces, US forces and the CIA.

### RECENT DEVELOPMENTS

Ethnic and religious minorities, especially the Shia Hazara, continue to be systematically targeted in attacks, particularly by ISIL-K. In recent months attacks using improvised explosive devices (IEDs) on minibuses and in mosques have killed dozens of civilians. During September ISIL-K claimed responsibility for the killing of at least 14 Hazara civilians in Daikundi province.

Since 1 January UNAMA has documented the Taliban committing a series of arbitrary arrests and detentions of women and girls because of alleged non-compliance with the imposed "Islamic dress code." Women and girls have reportedly been forcibly taken into police vehicles, arbitrarily detained and held incommunicado while being subjected to ill-treatment. Hazara women and girls have been disproportionately

impacted by these violations. According to UNAMA, Afghan women fear arrest and punishment whenever a new edict is announced due to increased police harassment. Recent edicts have resumed public stoning and flogging of women to death for alleged adultery, imposed requirements for women to completely veil their bodies – including their faces – in thick clothing in public and prohibit women from speaking aloud or from being heard in public. In response to the latest edicts, 12 UNSC members issued a statement during September that condemned systemic gender discrimination and oppression of women and girls and referred to Afghanistan’s obligations under human rights treaties, including CEDAW.

In September Australia, Canada, Germany and the Netherlands announced that they will initiate legal proceedings that could ultimately lead to action at the International Court of Justice (ICJ) against Afghanistan for violations of CEDAW.

## ANALYSIS

The risk of further war crimes and crimes against humanity persists. The 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. Since late August the Taliban have also prohibited the Special Rapporteur from accessing the country.

Efforts by the Taliban to exclude women and girls from social, economic and political spheres, including the institutionalized large-scale 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 past and ongoing 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.

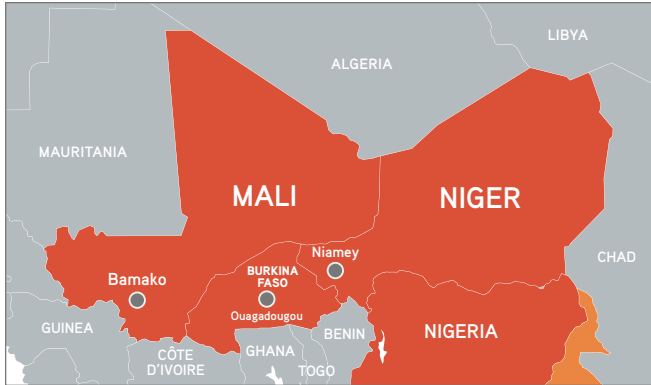
- Widespread and systematic targeted attacks perpetrated by ISIL-K and the Taliban against ethnic and religious minorities.
- Lack of independent media and crackdown on civil society and human rights defenders.
- Weakness of state structures to protect vulnerable populations and an unwillingness of the 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 the 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. Any efforts towards normalization of relations with the Taliban must be contingent on respect for human rights and women’s rights in line with international law.

The Taliban must investigate patterns of human rights violations and take steps to prevent future violations, including by holding perpetrators accountable. They must lift restrictions and allow the Special Rapporteur safe and unfettered access to Afghanistan. The Taliban should fully cooperate with UNAMA and the Office of the UN High Commissioner for Human Rights (OHCHR).

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 a focus on 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 and expanding 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 likely amount to crimes against humanity and war crimes.

### BACKGROUND

Populations in the Central Sahel – Burkina Faso, Mali and Niger – are enduring armed conflict and inter-communal violence amidst a decade-long insurgency driven by armed Islamist groups affiliated with al-Qaeda and the so-called Islamic State Sahel Province. According to the Armed Conflict Location & Event Data Project (ACLED), over 12,000 people, most of whom were civilians, were killed in 2023. At least 2.8 million people are internally displaced in the region, including 2.1 million in Burkina Faso alone. Violence has also taken place between rival ethnic militias and community-based self-defense groups resulting in reprisal attacks and countless abuses.

Armed Islamist groups perpetrate recurrent abuses and attacks against civilians, including grave violations against children and conflict-related sexual violence. These groups systematically use sieges, threats, kidnappings, IEDs and landmines as deliberate tactics of war as they seek to control supply routes and increase areas of influence. Armed Islamist groups are committing war crimes in besieged areas, blocking humanitarian aid to civilians and causing starvation, imposing forced taxation and strategically destroying and looting civilian objects, including places of worship, health centers, food reserves and water services, among other violations of IHL. Insurgents also routinely target secular state education, burning schools and threatening, abducting or killing teachers.

Counterterrorism operations have often led to human rights violations in all three states, with security forces in Mali and Burkina Faso directly implicated in likely war crimes and crimes against humanity. In Mali, the Russian paramilitary group Africa Corps (formerly the Wagner Group) has perpetrated possible

war crimes and crimes against humanity, including summary executions, rape and sexual violence, pillaging and torture against civilians, while working alongside the Malian Armed Forces (FAMA) since at least December 2021. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes along ethnic lines.

The region has faced significant political and security upheaval since 2020, including military takeovers in all three countries. According to ACLED, the number of civilians killed by armed Islamist groups in Niger increased in the first year of military rule compared with the previous year, as attacks became more lethal but less frequent. Nigerien defense and security forces killed three times as many civilians since the July 2023 coup, as well as arbitrarily arrested civilians along ethnic lines. Amid these shifts, the military regimes have taken steps to repress civic and political space and reduce international scrutiny into the country's human rights situations. The decision by the three military regimes to create the Alliance of Sahel States – a mutual defense pact – and withdraw from the Economic Community of West African States (ECOWAS) in January 2024 has compounded regional fragmentation and tensions.

### RECENT DEVELOPMENTS

Since the start of 2024, the UN High Commissioner for Human Rights has frequently raised alarm regarding the dramatic deterioration of the situation in Burkina Faso, where over 2,100 civilians have been killed this year, many in a series of mass casualty incidents. In late August al-Qaeda-affiliated Group for the Support of Islam and Muslims (JNIM) perpetrated one of the deadliest attacks in the country, killing an estimated 200 to 600 people in Barsalogo. During April Burkinabé authorities extended the “general mobilization” decree in a purported effort to curtail the spread of violence and recapture territory lost to armed Islamist groups. Burkinabé authorities have subsequently abused this law by forcibly conscripting, arbitrarily arresting or kidnapping dozens of perceived critics, human rights defenders and magistrates in counterinsurgency operations, likely amounting to enforced disappearances.

Amid heightened tensions and sporadic clashes in northern Mali since August 2023, thousands of civilians have been displaced, with some fleeing to avoid being recruited by armed groups. An offensive by FAMA and Russian paramilitaries has been characterized by systematic and indiscriminate killing of civilians – particularly Tuareg, Arabic-speaking tribes and Fulani – targeted attacks on civilian property and looting, among other abuses. In recent months, clashes have occurred in the rebel stronghold of Tinzaouaten between FAMA, Russian paramilitaries and a coalition of separatist Tuareg movements. FAMA has conducted airstrikes against armed groups; however, dozens of casualties have been reported amidst targeted attacks on civilians. Meanwhile, JNIM has killed scores of civilians and destroyed civilian property in central Mali since January.

During September JNIM launched an unprecedented and large-scale deadly assault in Mali's capital, including setting fire to a World Food Programme plane. In the aftermath of the attack, reports emerged of the arrest of individuals from the Fulani community. Videos also showed mobs burning several bodies following calls to lynch members of the community.

## 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. Although the military authorities in each country have expressed a goal of advancing security to protect civilian lives, risks to civilians have amplified amidst a deteriorating security situation and efforts to investigate allegations of atrocities by state actors have been undermined.

The expanded area of influence and/or control by armed Islamist groups has resulted in serious human rights abuses and war crimes. Armed Islamist groups appear to be deliberately targeting civilians as a tactic to pressure communities into cooperation or forcibly displace them, as well as utilizing blockades to punish communities perceived to be supportive of the military. The blockades inhibit aid access to vulnerable populations and information gathering on the human rights situation.

Populations continue to be targeted and persecuted on the basis of their ethnic and/or religious identity. The VDP's actions fuel abuses and possible atrocity crimes, aggravate ethnic tensions, encourage militant recruitment among pastoralists and contribute to prevailing impunity. The growing use of aerial weapons during counterinsurgency operations has contributed to indiscriminate violence, civilian harm and possible war crimes.

Despite the deterioration of the situation in Mali, the UN sanctions regime and peacekeeping mission were terminated, resulting in significant gaps in human rights monitoring, civilian protection and accountability. The crackdown against human rights defenders and freedom of expression across the three countries has inhibited independent documentation and monitoring of violations and abuses.

The insurgency in the Central Sahel has its origins in the 2012-2013 armed conflict in northern Mali, during which populations endured war crimes and crimes against humanity. The ICC has subsequently issued an arrest warrant for Iyad Ag Ghaly, the head of the armed Islamist group Ansar Dine, for war crimes and crimes against humanity. The ICC has convicted Al Hassan Ag Abdoul Aziz, a senior member of the Islamic Police of Timbuktu and member of Ansar Dine, guilty of war crimes and crimes against humanity, and Ahmad al-Faqi al-Mahdi of war crimes for the intentional destruction of cultural sites. Accountability remains limited with few alleged perpetrators having been arrested, prosecuted or tried for war crimes and crimes against humanity.

## RISK ASSESSMENT

- Militarized approach of counterinsurgency that 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 past and ongoing atrocities by all armed actors.
- Capacity to commit atrocity crimes, including availability of personnel, arms and ammunition.
- Shrinking civic space and crackdown on independent media, human rights defenders and real or perceived opponents by military regimes.

## 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. The militaries must establish guidelines on the use of aerial weapons during operations and ensure they minimize civilian harm. 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, improve land management and reach political settlements in areas where atrocity risks are greatest.

The military authorities of the Central Sahel – with support from national human rights commissions and independent experts – should investigate all violations of IHRL and IHL. The authorities must end all acts of harassment against civil society and ensure they can carry out their activities without fear of reprisals. The Malian military government should cooperate with the UN Independent Expert on the situation of human rights in Mali to ensure they can effectively carry out their mandate.



## DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

State authorities in the Democratic People's Republic of Korea continue to commit crimes against humanity.

### 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 UN Human Rights Council (HRC)-mandated Commission of Inquiry (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, forcible transfer of populations and the inhumane act of knowingly causing prolonged starvation. Detentions, executions and disappearances are characterized by centralized coordination between different parts of the extensive security 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. The UN Secretary-General has 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 government has refused to cooperate with international human

rights mechanisms and offices, including the OHCHR office in Seoul and the UN Special Rapporteur on the situation of human rights in the DPRK. Prolonged isolationist measures and the alleged diversion of aid have severely restricted access to food, medicine, healthcare and livelihoods. The DPRK government has further entrenched its policy of isolation, closing international borders and enforcing repressive and unnecessary restrictions on basic freedoms since 2020 under the pretext of preventing the spread of COVID-19.

Since the partial reopening of the DPRK's borders on 26 August 2023, Chinese authorities have reportedly forcibly returned more than 670 people. As highlighted by the Col, China considers border-crossers to be illegal "economic migrants" and does not allow them to seek asylum, defying its commitments under international refugee law. A group of UN experts have called on China to respect the principle of non-refoulement.

In response to the Col's findings, in December 2014 the human rights situation in the DPRK was added as an item on the UNSC agenda. Prior to that, the UNSC engaged with the DPRK almost exclusively in the context of nuclear non-proliferation and had never directly addressed ongoing human rights abuses. Despite the Council holding several meetings on this agenda item, there have yet to be any tangible outcomes.

### RECENT DEVELOPMENTS

On 28 March Russia vetoed a resolution which would have renewed the UNSC-mandated Panel of Experts (PoE) assisting the 1718 DPRK Sanctions Committee. The PoE halted their work when the mandate expired on 30 April. Satellite images included in the PoE's final report provided credible evidence of the transfer of goods and materials between the DPRK and Russia over the past year, in direct violation of several UNSC resolutions that prohibit DPRK from exporting or importing arms. Russia and North Korea subsequently signed a mutual defense pact in June, which commits Russia and North Korea to defend each other against invasions. In October 2024 the DPRK reportedly sent over 10,000 troops, including officers and generals, to bolster Russia's ongoing war efforts in Ukraine.

On the 10th anniversary of the Col report, the HRC adopted a resolution by consensus in March 2024, mandating the High Commissioner to submit at the 60th session a comprehensive update on the human rights situation in the DPRK since 2014 and to take stock of the implementation of the Col's recommendations. The resolution increased resources for OHCHR's office in Seoul and stressed the link between the weapons program, international peace and security and human rights.

On 16 July OHCHR published a new report, concluding that forced labor is institutionalized in the DPRK and may constitute the crime against humanity of enslavement. During a UNSC open briefing on the human rights situation in the DPRK on 12 June, several states highlighted how North Korea's use of

forced labor and commission of other human rights violations have serious implications for international peace and security, including enabling the government to advance its unlawful nuclear and missile development programs.

## ANALYSIS

Despite international engagements focused on denuclearization and other security issues, the human rights and humanitarian situation in the DPRK has largely been neglected. Nevertheless, 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 DPRK's role in Russia's aggression against Ukraine is underpinned by its robust forced labor system and other human rights violations, many of which amount to crimes against humanity. The DPRK government's policy of forced military conscription, which in some instances may amount to slavery under international law, means that many North Korean soldiers may be unwittingly abetting and/or perpetrating potential war crimes and crimes against humanity in Ukraine. By prioritizing its illicit nuclear and missile programs over the welfare of its people, the DPRK government has heightened risks to international peace and security.

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 PoE provided independent and effective monitoring of sanctions violations, which could be linked to the ongoing commission of crimes against humanity in the DPRK.

The 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 likely international crimes and must strictly adhere to the principle of non-refoulement. The Chinese government should permit the UN Refugee Agency access to all detained North Korean refugees.

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 violations and abuses. The DPRK government should fully cooperate with OHCHR and allow entry to the Special Rapporteur.

UNSC 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.



## 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 against civilians that may amount to crimes against humanity and war crimes. The UNSC-mandated PoE has documented some armed groups allegedly executing, torturing and arbitrarily detaining civilians perceived as collaborators of enemy groups. While combating armed groups, the government's armed forces (FARDC) and police have also been implicated in violations of IHRL and IHL, including sexual violence, torture and arbitrary killings, some of which may amount to crimes against humanity and war crimes.

Despite 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," and bilateral and regional forces have been deployed, these efforts have failed to stem violence. Ongoing attacks have resulted in a marked increase in violations against children, including recruitment of child soldiers and sexual and gender-based violence. Médecins Sans Frontières documented a dramatic increase in the number of admissions and victims of sexual violence in 2023, treating more than two victims and survivors per hour, and asserted that this trend has accelerated in early 2024.

Armed groups regularly perpetrate targeted attacks against displacement sites across the eastern provinces, killing hundreds of civilians and causing further displacement. Recurrent clashes and ongoing insecurity have resulted in a displacement crisis, with over 7.3 million people internally displaced in the DRC, including more than 940,000 Congolese forced to flee their homes in 2024.

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 destroyed. Despite reduced intensity, sporadic violence has persisted. The Congolese government has reportedly integrated surrendered Mobondo members – a group of predominantly Yaka fighters – into the FARDC and sent them to fight M23 without any prior vetting.

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 since January 2022. In June 2023 the Chief Prosecutor announced a preliminary examination, and, in October 2024, he renewed the investigative efforts to assess the responsibility of all actors involved in alleged Rome Statute crimes and welcomed the DRC's decision to establish a steering committee for a special criminal court.

## RECENT DEVELOPMENTS

Following a request by the Congolese government for an accelerated withdrawal of MONUSCO, on 20 December 2023 the UNSC renewed the mandate for one year and endorsed a disengagement plan for a gradual and sustainable withdrawal. That same month, the Southern African Development Community Mission in the DRC (SAMIDRC) was deployed and mandated to support the Congolese government to restore peace and security in the eastern provinces. The UNSC has authorized MONUSCO to provide operational, technical and logistical assistance to the SAMIDRC.

The first phase of MONUSCO's withdrawal was completed in South Kivu on 25 June. During July the government and MONUSCO said the timeline for the next phase of the withdrawal will be determined when conditions allow, following ongoing joint assessments in Ituri and North Kivu.

Insecurity in North Kivu has deteriorated due to recurrent clashes between M23 and the FARDC, who are supported by militias known as Wazalendo. The intense fighting has been marked by the indiscriminate use of heavy artillery, shelling and bombings in populated areas. M23 has reportedly perpetrated likely war crimes, while the FARDC and its proxies have perpetrated extrajudicial executions, arbitrary arrests and detentions. A 4 June PoE report found evidence of between 3,000 to 4,000 Rwandan soldiers allegedly fighting alongside M23 fighters and exercising "de facto" control over the operations. According to the report, Rwanda's military interventions were key to M23's territorial expansion between January and March 2024. On 4 August a ceasefire agreement between Rwandan forces and FARDC – reached through Angolan mediation – went into effect. While the ceasefire has largely held, clashes between the M23 and other armed groups persist.

Civilians also remain at risk in Ituri, with the ADF, CODECO and other groups launching recurrent attacks against civilians. According to the UN, between January 2023 and March 2024 at least 1,533 civilians were killed, 469 injured and 712 kidnapped.

## 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 against displaced Congolese have led to waves of secondary displacement while sexual violence continues to be used as a weapon of war to terrorize and control communities.

Amid widespread violence across the eastern provinces, the phased withdrawal of MONUSCO has raised concerns regarding the future of civilian protection. By integrating members of armed groups who have been implicated in past crimes into

the FARDC, the government has encouraged impunity, while posing further risks to civilians.

M23's renewed offensive has exacerbated regional tensions and resulted in increased hate speech and discrimination. The PoE's report provides the most robust evidence to date of Rwandan and Ugandan involvement in the M23 crisis. The severity of these findings underscores the urgent need for action to prevent further atrocities and mitigate a wider regional conflict. Multiple ceasefires and truces have previously been declared in North Kivu; however, none have been respected for more than a few weeks.

## RISK ASSESSMENT

- Indiscriminate use of heavy artillery, shelling and bombings near civilian areas, including displacement camps, hospitals and schools, as well as threats posed by unexploded ordnance.
- Potential for regional conflict due to escalating tensions and alleged support from Rwanda and Uganda to M23.
- Alarming levels of conflict-related sexual violence, disproportionately impacting displaced women and girls.
- Unprecedented scale of children recruitment and use in hostilities by myriad armed actors.
- Existing security vacuum exacerbated by FARDC deployment to fight M23 and MONUSCO withdrawal, emboldening other armed groups to remobilize and target civilians.

## NECESSARY ACTION

The DRC government and all regional and bilateral forces must ensure that protecting civilians and upholding human rights remain their primary priorities as they address the ongoing threat of armed groups. A vetting process within the FARDC should be implemented to identify and provisionally remove individuals who may have been implicated in serious human rights violations while cases are pending. The FARDC must cease using abusive militias as proxy forces. All forces should investigate and publicly report on IHL violations and human rights abuses.

All parties to the M23 conflict must rigorously abide by the ceasefire agreement. Rwanda should end its military support for M23. The international community should suspend military assistance to governments found to be supporting armed groups. Neighboring states should ensure that forces active in the DRC refrain from illicit activities.

MONUSCO should develop integrated provincial protection plans in close consultation with civil society. The government should ensure the deployment of the FARDC and police in areas of South Kivu where people have relied upon MONUSCO for protection, accompanied by training on IHL and IHRL.



## ETHIOPIA

Populations across Ethiopia, particularly in the Amhara and Oromia regions, continue to be at risk due to clashes between armed groups and government forces, as well as inter-communal violence. Populations in the Tigray region continue to endure war crimes and crimes against humanity despite a peace agreement.

## BACKGROUND

Long-standing grievances and recurrent human rights abuses by government forces and armed groups in Ethiopia have caused multiple conflicts to flare since Prime Minister Abiy Ahmed rose to power in 2018. Hundreds of thousands of civilians have been killed, particularly in the Amhara, Oromia and Tigray regions, and 4.5 million people have been displaced. Inter-communal and inter-religious violence, as well as regional border disputes, also continue. Conflict and climate factors have driven a massive humanitarian crisis, leaving 21.4 million people in need of assistance.

Since 2018 conflict between Oromia regional security forces, the Ethiopian National Defense Forces (ENDF) and the Oromo Liberation Army (OLA) armed group have killed thousands of civilians, with parties perpetrating violations and abuses that may amount to war crimes and crimes against humanity. Government forces continue to commit enforced disappearances and attacks on civilians, including through repeated air and drone strikes and extrajudicial executions of perceived OLA supporters. The OLA, which seeks autonomy for ethnic Oromos, has targeted ethnic Amharas living in Oromia and border areas.

From November 2020 - 2022 the ENDF and its allies, including the Eritrean Defense Forces (EDF), also fought in an armed conflict with the Tigray Defense Forces (TDF). The fighting began in the Tigray region and subsequently spread to neighboring Afar and Amhara regions in July 2021. War crimes and/or crimes against humanity were committed by all parties to the conflict, with several UN bodies, including

the International Commission of Human Rights Experts on Ethiopia (ICHREE), and international human rights groups documenting indiscriminate bombings, ethnic-based killings, forced displacement, destruction of cultural heritage and systematic destruction of food, water and health infrastructure. According to Refugees International, between 40 to 50 percent of women and girls in Tigray experienced sexual violence during the conflict, with 80 percent of victims reporting rape and/or gang rape by armed groups.

Despite the signing of a cessation of hostilities agreement (CoHA) on 2 November 2022 between the federal government and the regional governing Tigray People's Liberation Front (TPLF), abuses by the EDF and Fano, an ethnic Amhara militia, have continued in Tigray, including sexual violence and extrajudicial killings of civilians. The ICHREE's warnings of an imminent risk of atrocity crimes went unheeded when the HRC failed to renew the Commission's mandate in October 2023. Amnesty International and Human Rights Watch have found that Amhara regional forces and militia, including the Fano, and the EDF are responsible for the ethnic cleansing of Tigrayans from Western Tigray, with ENDF complicity. Furthermore, OHCHR has reported that government forces, EDF and myriad militias killed at least 1,351 civilians from January 2023 - January 2024. OHCHR also documented the killing of at least 248 civilians and destruction of civilian infrastructure, including schools and hospitals, by drone strikes in Amhara and Oromia between 4 August and 31 December 2023.

In April 2023 the federal government announced plans to integrate regional militia forces into the federal army and police, prompting fears of a loss of regional autonomy and vulnerability to attacks by armed groups. Protests against the measure in Amhara led to intense clashes between the Fano and ENDF. The UN and international human rights groups have documented mass arbitrary arrests and drone strikes targeting civilian areas by both parties to the conflict, while ENDF forces have killed civilians during searches for Fano members and systematically targeted health facilities, workers and patients.

OHCHR and the Ethiopian Human Rights Commission (EHRC) released a report in December 2023 based on community consultations, encouraging the federal government to implement multiple tracks of transitional justice. In April 2024 Ethiopia's Council of Ministers approved a Transitional Justice Policy followed by a roadmap for its implementation.

## RECENT DEVELOPMENTS

On 28 September the federal government announced a new offensive against the Fano. The announcement was preceded by mass arbitrary arrests of hundreds of academics, government officials, civil society activists, journalists and others. Fighting continues in many areas across the region, including East

Gojjam and West Gojjam zones. On 5 November at least 50 people, including children and pregnant women, were killed in a series of drone attacks on Achefer Woreda, North Gojjam Zone.

Separately, clashes remain ongoing in Oromia, mainly in North Shewa, as civilians continue to be caught in the crossfire between the OLA, other armed groups and the ENDF. According to the EHRC, on 30 October OLA militants reportedly killed at least 48 civilians, mainly ethnic Amhara and Gurage, in East Shewa Zone, marking the deadliest militant attack on civilians in Oromia since November 2022. Following house-to-house searches, witnesses saw perpetrators shooting civilians and burning houses of those accused of supporting the government.

## ANALYSIS

In Amhara and Oromia, civilians remain at risk of atrocities due to fighting between ethnic militias and the ENDF's retaliation against local communities. Amharas in Oromia and Oromos in Amhara, as well as those along the borders of both regions, are vulnerable to attacks by ethnic-based militias. Identity-based killings may amount to crimes against humanity, while targeted attacks on civilians and civilian infrastructure may amount to war crimes.

Populations in Tigray, Afar and Amhara also remain at risk of further war crimes and crimes against humanity due to 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. Civilians in Tigray also remain at risk due to the continued presence of the EDF, which have been repeatedly accused of atrocities.

A history of impunity and lack of effective transitional justice for human rights abuses perpetrated under successive ruling parties has exacerbated grievances. Calls from victims and survivors of the most recent violence for the country's Transitional Justice Policy to include international elements were not heeded, reducing trust in the domestic accountability process. The non-renewal of the ICHREE incentivizes the federal government to further entrench impunity and undermines victims and survivors' hopes for justice. Given ongoing conflicts, it is imperative for all parties to pursue conflict resolution tracks before implementing transitional justice initiatives to allow for a holistic and inclusive process.

## RISK ASSESSMENT

- Ongoing and unresolved tensions following conflict, threatening the fragile peace process.
- Policy or practice of impunity for – or tolerance of – serious violations of IHRL and IHL, atrocity crimes or their incitement.

- Unresolved inter-communal tensions and the ENDF's attacks on associated ethnic-based militias.
- 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 implement transitional justice initiatives.

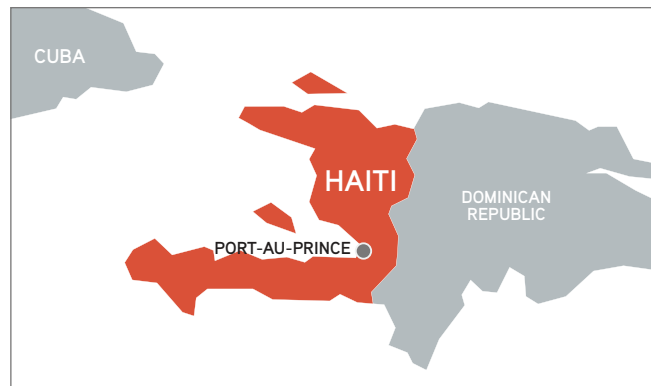
## NECESSARY ACTION

Government forces must conduct military operations in line with international law, sparing no effort to protect civilians, as well as ensuring transparent investigations into reported abuses as both an act of accountability and to foster trust with victims. Armed groups must end the targeting of civilians.

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

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

The international community must maintain scrutiny of the crises in Ethiopia. Any normalization should be contingent on steps 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 and abuses 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 300 criminal groups are active in Haiti, and the UN estimates that 2.7 million Haitians, including 1.6 million women and 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 amid deadly violence and intense turf wars between two of the largest gang coalitions, G9 and Gpèp. There has also been a significant rise in gang violence in Artibonite, a department in central Haiti, where populations face near-daily attacks and abuses.

Populations are often confined to their neighborhood and face killings, disappearances, torture and indiscriminate sniper attacks. Gangs launch frequent attacks on schools, medical facilities and humanitarian organizations. The Human Rights Service of the UN Integrated Office in Haiti (BINUH) has documented the forcible recruitment of children, with gangs establishing checkpoints around schools. Several top UN officials and experts 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. The UNSC-mandated PoE observed that the use of sexual violence is a systematic and pervasive tactic and not the result of isolated incidents. The UN documented a tenfold increase in sexual violence against children during 2024 compared to 2023.

In response to escalating violence and the inability of the Haitian National Police (HNP) to protect communities, a civilian self-defense movement – known as “Bwa Kale” – emerged in April 2023. Hundreds of alleged gang members have

subsequently been killed and BINUH has documented cases of summary executions and lynchings of children. Meanwhile, in late February 2024 G9 and Gpèp joined forces (known as Viv Ansanm) and launched a coordinated offensive targeting critical civilian infrastructure across Port-au-Prince. As clashes between the rival groups decreased, gangs have expanded the use of sexual violence and increasingly targeted civilians.

Insecurity has compounded an existing humanitarian crisis, with 5.4 million Haitians facing acute food insecurity. Nearly 703,000 people have been forced to flee their homes due to gang violence and insecurity, with the number of internally displaced persons (IDPs) doubling between 2022 and 2023. A UN Women Rapid Gender Assessment found that aggression against women and girls, particularly rape, is being used in most makeshift camps as a deliberate tactic to control access to scarce humanitarian assistance.

The grave security situation has been exacerbated by protracted political deadlock, as well as a dysfunctional judiciary and the lack of legitimate executive or legislative bodies, in the last several years. In April 2024 a Transitional Presidential Council (TPC) was installed and made responsible for preparing a roadmap toward elections – the first elections since 2016 – among other tasks. The TPC has been embroiled in a corruption scandal and political infighting, further eroding public trust in the government.

In response to the multidimensional crisis, in October 2022 the UNSC established a sanctions regime and arms embargo. In September 2024 the UNSC sanctioned a leader of the Gran Grif gang – one of the largest and most powerful gangs in Artibonite – as well as a former parliamentarian, the first member of the Haitian elite to be sanctioned by the UN for allegedly forming, supporting and arming the group.

## RECENT DEVELOPMENTS

A September report by OHCHR details grave patterns of human rights violations and abuses across Port-au-Prince and in Artibonite – as well as in the southern part of the West Department, which had been unaffected by violence until recently. Violations and abuses include indiscriminate violence, rape, torture, kidnappings, forced recruitment, exploitation and trafficking of children and the burning and looting of civilian infrastructure. According to OHCHR, nearly 4,900 people were killed between January and September, surpassing the number of people killed during all of 2023. After residents warned of an imminent attack, Gran Grif carried out one of the largest assaults in decades during October, killing 115 civilians and injuring over 350 others in Pont-Sondé, Artibonite. Since then the Viv Ansanm coalition has resumed offensives in and around the capital, leading to new waves of escalating violence. During November violence displaced 41,000 people in two weeks alone, and some international aid organizations were forced to suspend their operations.

The first contingent of Kenyan police to lead the UNSC-authorized Multinational Security Support Mission (MSS) arrived in June and July. Prior to the deployment, gangs trafficked and recruited more children and increased the number of children carrying weapons, in anticipation of MSS operations. Gang leaders are also using civilians as human shields, including installing women and children at the entrances of gang zones to serve as a protective buffer. Ongoing and escalating waves of gang violence have prompted calls for a robust UN peacekeeping operation.

## ANALYSIS

Populations living in gang-controlled territory 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 mob killings and indiscriminate lynching.

There have been numerous challenges delaying the full deployment of the MSS. Gang strongholds are in densely populated areas in and around the capital, heightening risks to civilians should the rules of engagement of the MSS allow for offensive operations.

Insecurity leaves many without access to any public services, exacerbating existing inequalities which fuel patterns of exclusion – a driver of violence and recruitment. As gangs expand their control over strategic resources and key transport routes, they not only hinder freedom of movement 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. Increased pressure on land and extortion by gangs on farmers, markets and traders leave them vulnerable and endanger people's livelihoods.

The prevalence and spread of gang violence is also fueled by long-standing close ties between gangs and elites, as well as the power vacuum created since the assassination of former President Moïse. For decades, police, politicians and other elites utilized gangs to enforce their authority and provided them with funds, weapons and impunity for abuses.

## RISK ASSESSMENT

- Proliferation and flow of illicit arms and ammunition, fueling violence and providing the means for perpetrating abuses.
- Grave acts of violence, including forcible recruitment of children, as well as systematic sexual violence, particularly against women and girls.
- Political instability, weak state institutions and under resourced and outnumbered police force.

- Near-complete impunity for violence against civilians, emboldening gang members to perpetrate further abuses.
- Lack of attention and security presence in Artibonite, allowing gangs to strengthen outside of the capital and leaving communities vulnerable to extortion, kidnapping and attacks.

### NECESSARY ACTION

The international community, particularly the US, must impose stricter measures to prevent the illicit supply, sale, diversion or transfer of small arms, light weapons and ammunitions into Haiti. 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 UNSC should update the list of individuals and entities subject to sanctions for supporting, preparing, ordering or committing violations or abuses of IHRL, in line with Resolution 2653. 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 BINUH, OHCHR and Haitian human rights groups, the MSS must implement a robust human rights compliance framework and due diligence policy mechanism. The MSS must strictly adhere to UN protocols on the prohibition of sexual exploitation and abuse.

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



## ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

Israeli forces have perpetrated likely atrocity crimes in Gaza and the Occupied West Bank, including possible war crimes, crimes against humanity, ethnic cleansing and genocide. Hamas and other Palestinian armed groups have also perpetrated likely atrocity crimes.

### BACKGROUND

Since 7 October 2023, when Hamas and other Palestinian armed groups launched a deadly assault into Israel, Israeli forces have launched relentless bombardments from air, land and sea, as well as imposed a complete siege of Gaza. Since October 2023 over 44,000 Palestinians have been killed, approximately 70 percent of whom are women and children. An estimated 10,000 more individuals are likely missing or buried under rubble of destroyed buildings. Israel has targeted and destroyed civilian objects protected under IHL in a manner widely characterized as collective punishment. Over 70 percent of civilian infrastructure across the Gaza Strip has been destroyed. The UN Independent International Col on the Occupied Palestinian Territory (OPT), including East Jerusalem, and Israel determined that Israel has committed war crimes and crimes against humanity during its military operations and attacks in Gaza, including starvation as a method of warfare, intentionally directing attacks against civilians and civilian objects, sexual violence, torture, forcible transfer, deliberate attacks on medical personnel and facilities and others.

Israel's complete siege of Gaza has resulted in a dire humanitarian crisis and acute shortages of water, food and medicines that threaten the survival of 2.3 million Palestinians. The electricity supply to Gaza has also been cut off, resulting in an ongoing blackout and contributing to the collapse of hospitals and water and sanitation services. The Col found that Israel has perpetrated a concerted policy to destroy Gaza's healthcare system. Nine out of every ten Palestinians in Gaza are internally displaced and have faced successive so-called evacuation orders by the Israeli military. Areas where internally

displaced Palestinians have been directed to seek safety lack necessities for survival and are regularly hit by airstrikes and missiles. The UN Children's Fund found that at least 87 percent of school buildings have been directly hit or damaged since October 2023, including one third of the UN Relief and Works Agency for Palestine Refugees in the Near East's (UNRWA) schools, where many displaced persons sought shelter and were areas previously designated as "safe."

The UN Special Rapporteur on the situation of human rights in the OPT has concluded that since 7 October Israel has committed at least three of the constitutive acts of genocide in Gaza, and that statements made by high-level Israeli military and government officials are evidence of genocidal intent. The UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories determined that Israel's warfare in Gaza is consistent with the characteristics of genocide. On 29 December 2023 South Africa filed an application before the ICJ instituting proceedings concerning alleged violations of Israel's obligations under the Genocide Convention in relation to Palestinians in Gaza. The ICJ issued legally binding provisional measures on 26 January ordering Israel 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 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. The ICJ issued additional provisional measures in March and May.

During their assault on 7 October, Hamas and other Palestinian armed groups attacked civilian areas in Israel and perpetrated flagrant violations of international law, including capturing and forcibly taking hundreds of civilians as hostages. At least 1,200 Israelis were killed and over 5,400 injured. The UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict found that conflict-related sexual violence – including rape, sexualized torture, cruel, inhuman and degrading treatment – was committed. The Col found that members of the military wings of Hamas and other Palestinian armed groups committed war crimes and other violations and abuses of international law, including deliberately killing, injuring and mistreating civilians, taking hostages and committing sexual and gender-based violence.

Palestinian territory – encompassing the Gaza Strip and West Bank, including East Jerusalem – has been occupied by Israel since 1967. On 19 July 2024 the ICJ issued an advisory opinion detailing that Israel's continued presence in the OPT is unlawful, asserting Israel must end its presence as rapidly as possible, immediately cease all new settlement activities and evacuate all settlers. The UN General Assembly (UNGA) overwhelmingly adopted a resolution demanding Israel end this occupation

within 12 months. The UN Special Rapporteur has determined that Israel has imposed a system of racial oppression and discrimination that satisfies the prevailing evidentiary standard for the crime of apartheid, a crime against humanity.

Since 7 October 2023 existing patterns of violence in the Occupied West Bank have escalated. According to OCHA, Israeli settlers have perpetrated over 1,492 attacks, resulting in hundreds of Palestinian fatalities and injuries, as well as damage to Palestinian property. OHCHR reported that settlers carrying out these attacks are at times acting with the acquiescence and collaboration of Israeli forces and authorities. At least 16 Israelis, including members of the Israeli forces, have been killed by armed Palestinians. According to a group of UN experts, in 2023 Israel seized more Palestinian land than in any year in the past 30 years. There has also 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. OHCHR has reported a significant increase in extrajudicial executions, mass detentions and enforced disappearances – with thousands held in detention in deplorable conditions without charge or trial – as well as sexual violence and ill-treatment, including waterboarding, that may amount to torture against Palestinian detainees.

## RECENT DEVELOPMENTS

Since early October 2024 Israel has intensified its siege on northern Gaza, resulting in widespread devastation and hundreds of civilian casualties. Israeli authorities have closed major crossings into the north, denying and impeding access to basic supplies critical for the survival of civilians. In November the Integrated Food Security Phase Classification (IPC) Famine Review Committee (FRC) warned there is strong likelihood that famine is imminent within northern Gaza. On 28 October the Israeli Parliament passed two laws that would ban UNRWA from operating in territories under Israeli control, severely undermining humanitarian aid, education and shelter for Palestinian refugees.

In recent months Israeli forces have dramatically increased their systematic use of unlawful force with militarized operations across the Occupied West Bank. An airstrike carried out by Israeli forces on 3 October on a residential building in Tulkarem camp, which killed at least 18 Palestinians, was the single deadliest incident carried out by Israeli forces in the Occupied West Bank since OCHA began documenting casualties in 2005.

On 21 November the ICC issued arrest warrants for two Israeli government officials – including Prime Minister Benjamin Netanyahu – and a Hamas official. The ICC judges determined that there are reasonable grounds to believe that these senior Israeli leaders and Hamas official bear responsibility for war crimes and crimes against humanity.

## ANALYSIS

Israel's repeated use of weapons with wide area and indiscriminate effects in densely populated areas suggests a pattern of willful violation and disregard for IHL and likely amounts to war crimes. The mass displacement of Palestinians in Gaza likely amounts to the war crime and crime against humanity of forcible transfer.

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 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.

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. 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.

The international community has struggled to speak out resolutely in defense of international law and the protection of civilians, amplifying the risk of further atrocities. Since 7 October the UNSC has voted multiple times on draft resolutions, with many failing to pass due to insufficient votes or vetoes cast by Permanent Members, including the US and Russia. The US has a long history of using its veto to protect Israel.

## RISK ASSESSMENT

- Bombardments, ground offensives and siege tactics amounting to likely war crimes and crimes against humanity.

- Ongoing evacuation orders likely amounting 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 and the de facto and illegal annexation of Palestinian land.
- No effective accountability for cycles of deadly hostilities between Israel and Hamas and other Palestinian armed groups over the past two decades.

## NECESSARY ACTION

A permanent ceasefire must be urgently reached and monitored by an independent, international body. UNSC Resolution 2735 must be implemented without delay. Israel should immediately lift the siege of Gaza. Hamas and other Palestinian armed groups must safely and unconditionally release all individuals taken hostage. All states must cease arms exports to Israel, as well as apply other economic and political measures necessary to ensure respect for international law and the implementation of legally binding UNSC Resolution 2728. 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. Governments with influence must use all diplomatic means to urge the Israeli government to repeal the legislation dismantling UNRWA's work in the OPT.

Israel must immediately implement the ICJ's provisional measures 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 ICC must be allowed to conduct its mandate with independence and impartiality and all states should cease any impediments, intimidation, retaliation or improper influences against the Court and its officials. 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. Israel 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 and armed groups following the February 2021 coup.

### BACKGROUND

Since the February 2021 military coup and prolonged states of emergency in Myanmar (Burma), the military – known as the Tatmadaw – has perpetrated widespread violations against the population, compounding an existing human rights and humanitarian crisis in the country. The junta has relentlessly targeted civilian areas with airstrikes, scorched earth campaigns and other attacks and systematically denied or blocked humanitarian aid to civilians, particularly in the anti-military strongholds of Magway and Sagaing regions and Chin, Kachin, Shan, Kayah and Karen states. The UN High Commissioner for Human Rights has documented abuses against aid workers and the burning alive, dismembering, raping and beheading of civilians unable to flee attacks. Anti-junta armed groups also threaten civilians amid the escalating conflict. At least 5,938 people have been killed in attacks predominantly by the junta, while 3.4 million have been displaced and 18.6 million need assistance.

In the immediate aftermath of the coup, hundreds of thousands of people peacefully protested the re-imposition of military rule, while civilian militias – known as People's Defence Forces (PDFs) – formed as part of an armed resistance. In retaliation, the junta has detained thousands of people accused of resisting their rule, with over 20,800 people still detained.

On 27 October 2023 a coalition of ethnic resistance organizations (EROs) launched "Operation 1027," capturing military outposts across the country. Other groups subsequently increased attacks, including some PDFs and the Arakan Army (AA) in Rakhine State. Following months of escalating conflict, in April 2024 the junta began forcibly recruiting at least 5,000 people per month into military service.

Numerous governments have attempted to restrict the junta's capacity to commit crimes through extensive targeted sanctions on its leaders, military-affiliated companies and others who enable their crimes, suspending development funds, imposing arms embargoes, banning dual-use goods and halting the supply of aviation fuel.

In April 2021 the Association of Southeast Asian Nations (ASEAN) agreed to a "Five-Point Consensus (5PC)," which called for a cessation of hostilities, among other steps, however there has been no progress in its implementation. In December 2022 the UNSC passed the first and only resolution on the latest crisis in Myanmar, demanding an end to the violence and calling for political prisoners to be released. The HRC has adopted a resolution calling on member states to end the sale of aviation fuel to the junta.

The junta has also intentionally stoked inter-communal conflict between the ethnic Rakhine and Rohingya communities. 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, leaving over 900,000 Rohingya refugees in Bangladesh. Despite ongoing risks, the junta and Bangladesh have promoted a "pilot repatriation program" for Rohingya to return to Myanmar.

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 and for crimes against humanity and war crimes in Kachin, Rakhine and Shan states. Several processes are underway to investigate and 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. The ICJ has allowed seven additional states to intervene in the ongoing case. Courts in Argentina, the Philippines and Türkiye have also filed cases under the principle of universal jurisdiction.

### RECENT DEVELOPMENTS

The situation across the Myanmar continues to rapidly deteriorate as the junta increasingly retaliates with air and drone strikes on civilians in areas where they have lost territory, causing significant casualties. Civilians are facing increasingly dire conditions in the northwestern areas of Chin State and Magway, Mandalay and Sagaing regions, where an estimated 1.7 million people are currently displaced – nearly half of the total number of IDPs in the country. Heavy fighting is also ongoing in Kayin State while sporadic violence has also taken place in Bago and Tanintharyi regions. According to the Special Advisory Council for Myanmar – an independent group of international

human rights experts working to support the people of Myanmar – the junta currently holds stable control over around 14 percent of Myanmar’s territory, encompassing an estimated 33 percent of the population.

Meanwhile, conflict has impacted all but one of the Rakhine State’s 17 townships, displacing at least 570,000 people, as inter-communal tensions between ethnic Rakhine and Rohingya devolve. The AA has conducted violent raids and abuses against Rohingya civilians, perpetrating killings and enforced disappearances. On 7 November the UN Development Programme warned that 2 million people in Rakhine State are at risk of starvation as the junta’s aid and trade blockades have collapsed the economy.

On 29 October Canada, the European Union (EU) and the United Kingdom sanctioned six entities involved in providing aviation fuel or supplying restricted goods, including aircraft parts, to the junta.

On 27 November the Chief Prosecutor of the ICC filed an application for an arrest warrant against Senior General and Acting President Min Aung Hlaing, Commander-in-Chief of the Myanmar Defence Services, alleging he bears criminal responsibility for the crimes against humanity of deportation and persecution of the Rohingya.

## 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. Operation 1027 is the most significant challenge the junta has faced since the coup and has prompted an intensification of indiscriminate, disproportionate and targeted attacks on civilians. Some EROs have allegedly perpetrated human rights abuses, creating further protection risks. Military forces perpetrated pervasive sexual and gender-based violence during the Rohingya clearance operations and have continued this pattern of abuse against those perceived as resisting the junta. The Rohingya remain at heightened risk of recurrent atrocities, including genocide, due to the junta intentionally stoking inter-communal tensions, as well as targeting by other armed groups. Forced conscription threatens populations with further abuse, especially ethnic minority groups.

Divisions within ASEAN and the UNSC, and ASEAN’s strict commitment to the 5PC, coupled with increasing influence and support by China to the junta, have hampered the development of a coordinated international response to atrocities in Myanmar.

Despite extensive targeted 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.

## NECESSARY ACTION

The UNSC should impose a comprehensive arms embargo and targeted sanctions on Myanmar, ensure continued reporting on the crisis and refer the situation to the ICC. All UN member states, regional organizations and the UNSC should impose sanctions on Myanmar’s oil, gas and banking sectors and block the military’s access to arms and aviation fuel. Foreign companies should immediately divest and sever ties with all businesses linked to the military.

The junta should not be diplomatically recognized as the legitimate representatives of Myanmar. ASEAN member states should condemn the Tatmadaw, increasingly engage with the exiled shadow government, the National Unity Government, and revisit and/or expand upon the 5PC. International donors should utilize local humanitarian organizations for aid distribution to ensure lifesaving care and services reach those beyond junta-controlled areas.

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

EROs must respect the human rights of populations in areas under their control and conduct operations in line with IHL.



## NICARAGUA

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

### BACKGROUND

For nearly seven years, Nicaragua has experienced an unprecedented human rights crisis amid a rapid descent into authoritarianism. Under President Daniel Ortega, the government has engaged in a broad campaign of repressing dissenting or independent voices, including human rights defenders, women's rights groups, journalists, community, peasant movement and religious leaders, students and academics, business owners and political opponents. As part of this campaign, various government structures have committed 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 crisis first escalated in April 2018 when tens of thousands of people took to the streets to protest severe pension cuts and the police – at times in coordination with pro-government armed elements – cracked down on the demonstrations. State agents 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. The UN High Commissioner for Human Rights and an Inter-American Commission on Human Rights Interdisciplinary Group of Independent Experts mandated by the Inter-American Commission on Human Rights documented widespread and systematic violations and abuses of human rights perpetrated on behalf of state authorities and pro-government actors between April and May 2018. In response to their respective reports, the government expelled OHCHR and the Group of Independent Experts from the country in 2018. Since then, no

independent human rights monitoring body has been able to access the country.

A subsequently established HRC-mandated Group of Human Rights Experts on Nicaragua (GHREN) has since found that the government, as well as pro-government groups, have committed crimes against humanity as part of a systematic campaign to eliminate any opposition. Dozens of government critics remain arbitrarily detained under what the GHREN has determined is a state policy. President Ortega and his wife, Vice President Rosario Murillo, have dismantled checks and balances and instrumentalized the country's executive, judicial, legislative and electoral branches.

Since December 2018 more than 5,000 non-governmental organizations (NGOs) have been forcibly shutdown. According to the Nicaraguan Platform of NGO networks, since 2018 more than 50 media outlets have been forced to close and over 200 media workers have left the country as journalists have increasingly faced prosecution on criminal charges of alleged hate crimes and terrorism. A large number of universities have also had their legal status canceled. The GHREN has warned that university students, professors, academic administrators and other personnel have been particularly targeted in violations and abuses, including murder, imprisonment, torture, deportation and persecution for political reasons, and that the pattern of attacks against them may constitute the crime against humanity of persecution on political grounds. Religious leaders, including the Catholic Church, which was invited to mediate a national dialogue following state-led violence in 2018, have also become one of the primary targets of persecution. 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.

Repression also extends beyond the country's border, including through the deprivation of nationality, forced deportations and the prohibition of family reunifications.

### RECENT DEVELOPMENTS

On 10 September the GHREN warned that the situation has dramatically worsened over the past year as patterns of repression have expanded toward all segments of society, "leaving entire sectors of the population in a state of defenselessness." The GHREN previously warned that "as the Government has neared its goal of total destruction of critical voices in Nicaragua...there has been an exponential increase of patterns of violations focusing on incapacitating any kind of opposition in the long term." In June OHCHR warned that the government has also deepened its control over the judiciary to implement its systematic campaign of repression. The mass shutdown of over 1,800 non-profit organizations in August constituted the largest attack against civic and religious groups in a single day.

The government also severely intensified political repression ahead of regional elections in the Caribbean coast of Nicaragua during early March, including through the cancellation of the legal status of the main Indigenous Afro-descendant party and the arbitrary prison sentencing of one of its members. The vote marked the first time since elections were instituted in the region that no Indigenous party appeared on the ballot. According to the GHREN, “leaders and activists of Indigenous Peoples and communities of African descent are systematically persecuted by the State for defending their rights.”

On 22 November the National Assembly approved constitutional reforms which consolidate President Ortega’s absolute power, including de-facto control over the country’s legislature, judiciary and electoral institutions. The provisions further empower the government to arbitrarily revoke citizenship and facilitate state-led media censorship – both already widely used as tools to repress dissent.

## ANALYSIS

State-led repression, targeted persecution and patterns of serious human rights violations and abuses have become more sophisticated over time. Ongoing crimes against humanity have been facilitated in part by the deliberate dismantling of democratic institutions and safeguards since President Ortega took office in 2007. Pervasive impunity for violations committed before and since 2018 further enables such crimes. 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.

Nicaragua’s isolation from regional and international institutions helps facilitate the commission of atrocity crimes. Ongoing investigations and public reporting by the GHREN remain crucial to ensure international scrutiny and exert pressure on UN member states to respond to continuing atrocity crimes.

While UN member states have taken important steps to address ongoing atrocity crimes, including through the establishment of the GHREN, the international community has so far failed to apply a coordinated, holistic and robust strategy. The Nicaraguan government has also been unresponsive to targeted sanctions imposed by the EU, the US, Canada and others.

## RISK ASSESSMENT

- Tactics utilized by the Ortega administration to maintain absolute power.
- Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors.
- Lack of cooperation by Nicaraguan authorities with international and regional human rights mechanisms.
- Instrumentalization of the judicial system to facilitate the persecution of actual or alleged opponents.
- Lack of domestic protection mechanisms, leaving Indigenous and Afro-descendant Peoples particularly vulnerable to ongoing violence.

## 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 arbitrarily 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, and strengthen and expand a robust individual sanctions regime against perpetrators at the highest level. Governments and regional institutions should also make use of the GHREN’s findings in all security, financial and trade relations and policies to increase pressure on the government to halt pervasive persecution. Latin American governments, together with the EU and other allies and in close consultation with Nicaraguan civil society, should intensify efforts to ensure a coordinated, consistent and holistic response to the crisis which prioritizes human rights protection and democratic reform.

At the upcoming 58th session of the HRC, UN member states should renew the mandate of the GHREN for another period of two years.



## NIGERIA

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

### BACKGROUND

For nearly 15 years, civilians in Nigeria have faced multiple security threats and risk of atrocities due to 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. 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.

In northern Nigeria, armed extremist groups, notably Boko Haram and splinter groups like the so-called Islamic State in West Africa Province (ISWAP), have perpetrated mass atrocities against civilians. Originating in the early 2000s in the northeast, Boko Haram sought to overthrow Nigeria’s secular government and in 2009 it launched an insurgency to establish an Islamic state, which has resulted in the deaths of tens of thousands of people and the displacement of over 2 million. Despite the African Union (AU) authorizing the Multinational Joint Task Force in 2015 to combat extremism, the threat persists. Their tactics include suicide bombings, abductions, torture, rape,

forced marriages, recruitment of child soldiers and attacks against government infrastructure, traditional and religious leaders and civilians. Armed groups like Boko Haram have recently strengthened their position by allying with the bandits.

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 civilians and suspected Boko Haram and ISWAP members. The Nigerian military has allegedly run a secret, systematic and illegal abortion program in Adamawa, Borno and Yobe states that terminated at least 10,000 pregnancies between 2013 and 2022, 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. The Nigerian military has denied the findings of the report, and the National Human Rights Commission issued a report claiming they had found “no evidence” of the program.

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. During an official visit to Abuja in March 2024, the Deputy Prosecutor of the ICC and national authorities discussed the progress made to hold Boko Haram and its splinter groups, as well as members of the Nigerian Armed Forces, accountable for alleged crimes.

### RECENT DEVELOPMENTS

Throughout 2024 civilians have faced intensified violence across Nigeria and near-daily attacks by armed groups. Since January at least 580 civilians, primarily women and girls, have been kidnapped in incidents across several states, including in Borno and Kaduna. In June at least 50 people were killed and an unspecified number of residents abducted by gunmen in Katsina State.

Suspected Boko Haram insurgents have continued to launch devastating attacks in their stronghold regions of Yobe and Borno states. On 29 June a series of female suicide bombing attacks in the town of Gwoza, Borno State, resulted in at least 32 deaths and more than 100 injuries. On 1 September insurgents launched a devastating attack in Mafa, Yobe State, killing at least 128 villagers. Those who discovered the bodies found a lengthy note supposedly left in the name of ISWAP, listing purported grievances.

### ANALYSIS

Nigeria’s armed forces have been deployed in two-thirds of the states in the country and are overstretched as Boko Haram, ISWAP and bandit groups continue to expand their areas of operation. The resurgence of suicide bombings in Borno State and attacks in Yobe State have raised significant concerns about

the security situation in the region. Smaller factions stemming from Boko Haram complicate the accurate identification of armed groups responsible for attacks, posing ongoing challenges to respond effectively to threats against civilians.

Over the past several years, Nigeria's military has perpetrated deadly and erroneous airstrikes, which 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 nomads' cattle. In the Middle Belt states, competition over land use is particularly intractable as the fault lines between farmers and herders often overlap with ethnic and religious divisions. Climate change and increasing desertification in the north has also exacerbated tensions as the loss of grazing land has driven many Fulani Muslim herders southward into areas farmed by settled communities that are predominantly Christian. While armed bandit groups are motivated largely by criminal motives, many bandits are ethnic Fulani and prey on settled farming communities, exacerbating existing ethnic tensions. The Boko Haram insurgency in the northeast has compounded these challenges by driving herders into the Middle Belt.

## RISK ASSESSMENT

- Patterns of violence against civilians, or members of an identifiable group based on their ethnicity or religion, as well as their property and livelihoods.
- 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.
- Lack of awareness or 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 – which has been exacerbated by the worst economic crisis in decades – youth unemployment, environmental degradation and climate change. 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 better coordinate efforts and develop a common strategy that addresses ongoing protection issues.

The government should utilize ECOWAS' Early Warning System to increase police and military deployments in vulnerable areas. The government also needs to urgently reform the security sector, including by incorporating IHL and IHRL into all military and police training.

All attacks against civilians must be investigated and perpetrators of atrocity crimes and human rights violations held 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, including in densely populated areas. The widespread use of sexual violence, including rape, sexual assault, exploitation and sexual slavery, has been reported. The HRC-mandated FFM has concluded that the SAF and RSF, and their allied militias, are

responsible for large-scale violations of human rights and IHL, many of which amount to war crimes and/or crimes against humanity. According to the World Health Organization (WHO), more than 20,000 people have been killed.

The RSF have utilized the conflict to launch a systematic campaign of ethnic cleansing and large-scale attacks targeting non-Arab communities. RSF forces have expanded their control over almost all of Darfur, and dozens of cities, towns and villages have been fully or partially destroyed. The UNSC-mandated PoE estimates that the RSF and allied militia killed between 10,000 and 15,000 civilians in El Geneina from April to June 2023 alone. El Fasher, the capital of North Darfur, remains the only area not under the control of the RSF. However, the city has been besieged for nearly seven months, significantly increasing the risk of mass atrocities.

The ongoing conflict has severely restricted access to lifesaving aid and essential services due to targeted attacks and looting of humanitarian supplies. The conflict has triggered the world's largest hunger crisis, with 25.6 million people facing acute hunger. During August the IPC FRC determined that famine is ongoing in the Zamzam displacement camp in North Darfur, with similar conditions likely present in other sites around El Fasher. The International Organization for Migration reports that over 13 million people have been displaced, including 2.3 million who have fled to neighboring countries.

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 Abdel Fattah al-Burhan and supported by Mohamed Hamdan “Hemedti” Dagalo – seized power on 25 October 2021. The latest conflict was initially sparked by mounting tensions between General Burhan, commander of the SAF, and General Hemedti, 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.

## RECENT DEVELOPMENTS

Violence has escalated with the onset of the dry season, as the SAF and RSF continue their fight for control of key areas across Sudan. On 21 September the RSF launched a coordinated assault on El Fasher, breaching the SAF's outer defenses. Witnesses described the subsequent clashes as the most violent since the siege of El Fasher began. By late November clashes had advanced toward the city center, including key military sites and the B-26 road to Zamzam camp. In Khartoum, clashes escalated when the RSF successfully reinforced its positions, particularly in Omdurman. On 13 October at least 23 people were killed and 40 injured following an airstrike by the SAF on a marketplace in Khartoum. Between 20 and 25 October the RSF reportedly launched violent attacks across

Al Jazeera State, indiscriminately killing civilians, committing acts of sexual violence against women and girls and looting homes, markets and farms. At least 124 civilians were killed in the village of Al-Sireha.

On 14 August the US, Switzerland, Saudi Arabia, Egypt, the United Arab Emirates, the AU and UN convened in Switzerland to renew efforts for a ceasefire and humanitarian access. While this so-called Aligned for Advancing Lifesaving and Peace in Sudan (ALPS) Group secured commitments from both sides to reopen and expand critical humanitarian access routes and improve civilian protection, tangible progress remains limited. Following a field mission to Port Sudan on 3 October, the AU's Peace and Security Council called for the reopening of the AU Liaison Office to facilitate technical assistance and engagement with stakeholders.

On 8 November the UNSC sanctioned two RSF commanders for the first time since the conflict's outbreak. However, on 18 November, a proposed resolution to advance civilian protection measures was blocked when Russia exercised its veto.

## 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 continue to recruit forces along ethnic lines and strengthen relationships with regional powers, including several Gulf states. Many civil society groups and experts did not support the transition process, warning that involving the military in negotiations legitimized the 2021 coup and rewarded actors involved in grave human rights violations and atrocities.

While a ceasefire agreement between the SAF and RSF is vital, it will not end the RSF's parallel campaign of identity-based mass violence. 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. Amid 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 ongoing ethnically charged violence. There is a significant risk that acts of genocide and/or crimes against humanity could occur in El Fasher if the current trajectory of violence continues. With the onset of the dry season, the RSF is expected to leverage its ground mobility, while the SAF has already begun increasing the use of drones and air power to counter RSF advances, particularly in Khartoum and Darfur.

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 and widespread mistrust in state institutions.
- Humanitarian and human rights crisis caused by armed confrontation, 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 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 decades of conflict and atrocities.

## NECESSARY ACTION

Generals Burhan and Hemedti must agree to a permanent cessation of hostilities and all forces under their command must adhere to IHRL and IHL. 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 Emergency Response Rooms and neighborhood communities and disbursing cash grants.

The UNSC, AU, Intergovernmental Authority on Development (IGAD) and states with influence over the warring parties should continue to support efforts aimed at ending the fighting, while urgently prioritizing the protection of civilians and the prevention of any further escalation in civilian harm. 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. 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 from 1 March 2011 to 31 March 2021, according to the most recent figures from OHCHR. Nearly 13 million people have been displaced, including 6.7 million refugees.

Throughout areas under its control, the government continues to systematically perpetrate 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. OHCHR has also reported that civilians trying to return to Syria are subjected to arbitrary detention, torture and ill-treatment, sexual and gender-based violence, enforced disappearance and abduction by all parties to the conflict. Meanwhile, armed groups, including Hay'at Tahrir al-Sham, the Syrian National Army (SNA) and other Turkish-backed groups, perpetrate torture, ill-treatment, systematic looting and arbitrary detention.

Syrians continue to suffer along multiple regional front lines. In northwest Syria, including in Idlib governorate, populations have faced cycles of ground fighting, shelling and airstrikes despite a ceasefire that has been in place since March 2020. From September 2023 until early 2024, hostilities intensified, with

continuous shelling and airstrikes damaging civilian objects and critical infrastructure. At least 70 civilians were killed, 303 injured and 120,000 displaced. Elsewhere in northern Syria, hostilities and strikes between the SNA and Syrian Defense Forces (SDF) continue. IEDs, indiscriminate shelling and airstrikes killed and wounded hundreds of civilians and impacted civilian infrastructure throughout 2023.

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

In 2014 the so-called Islamic State of Iraq and the Levant (ISIL) declared a caliphate across Iraq and Syria and perpetrated widespread abuses against civilians until their defeat in 2019. Tens of thousands of 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. 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 UNSC's inability to hold perpetrators accountable. Since 2013 the UNSC has passed dozens of 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 and Russia has independently vetoed an additional eight, shielding Syria from international accountability.

To close the accountability gap, on 21 December 2016 the UNGA established an International, Impartial and Independent Mechanism to assist in the investigation and prosecution of perpetrators of atrocities in Syria. Several countries have initiated proceedings or convicted suspected Syrian perpetrators under universal jurisdiction. In June 2023 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 2023 the ICJ issued provisional measures calling on the government of Syria to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment, ensure its officials do not commit any acts of torture, while preserving relevant evidence.

## RECENT DEVELOPMENTS

Cycles of violence, atrocities and insecurity continue to adversely affect civilians, particularly across southern, northwest and northeast Syria. Attacks by ISIL have recently increased in central Syria, targeting civilians in urban areas.

According to the latest Col report from 12 August 2024, heightened regional tensions resulting from the conflict in the OPT has led to intensified military operations, including Israeli airstrikes targeting proxies across Syria. Additionally, since late September intensified Israeli airstrikes in Lebanon have forced hundreds of thousands of Syrians to return to Syria after previously seeking safety in Lebanon. Those who have been compelled to return are at risk of arbitrary detention and abuse by Syrian authorities.

## ANALYSIS

For over 13 years the government of Syria, its allies and armed opposition groups have perpetrated countless attacks on civilians and civilian infrastructure, violating 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, and repeated violations of ceasefires heighten the risk of recurrence of large-scale conflict. It remains unsafe for Syrians to return to their country.

As various armed groups attempt to consolidate their control over territory in a fragmented Syria, civilians are facing indiscriminate hostilities and systematic human rights violations. Detention and disappearance are used by the government and other parties as a strategy to control and intimidate civilians, confirming ongoing patterns of crimes against humanity and war crimes. Despite the ICJ provisional measures order, the Syrian government continues to perpetrate enforced disappearance, torture and ill-treatment against detainees and deliberately obstruct families' efforts to learn the fate and whereabouts of their loved ones.

## RISK ASSESSMENT

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

## NECESSARY ACTION

All parties to the conflict must uphold their obligations under IHRL and IHL, 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 effectively carry out its mandate. The Syrian government must comply with the ICJ provisional measures order. 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 perpetrated possible war crimes and crimes against humanity since their invasion of Ukraine. Ukrainian forces have also committed potential war crimes.

## BACKGROUND

On 24 February 2022 Russian Armed Forces launched a full-scale invasion of Ukraine. Since then, cities and towns across the country have been bombarded with indiscriminate explosive weapons and Russian forces have perpetrated likely war crimes against the civilian population, including indiscriminate attacks, systematic use of torture and sexual and gender-based violence. The UN has verified more than 11,973 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 6.5 million who have fled to neighboring countries.

The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has documented the widespread use of heavy artillery and multiple launch rocket systems, unguided 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. WHO has verified over 2,120 attacks on healthcare since February 2022. Russian forces have bombed and pillaged historical and religious sites. The UN Educational, Scientific and Cultural Organization has verified damage to at least 457 cultural and religious sites. In areas under their control, Russia forces have perpetrated killings, rape and torture. Mass graves and burial sites have been found in areas retaken from Russian forces.

Ukrainian and Russian forces have committed abuses against prisoners of war, including torture and ill-treatment, and have prosecuted accused “collaborators,” according to the HRMMU. The UN has documented violations of international law by Russian-affiliated mercenary operatives from the Wagner Group, including enforced disappearances, ill-treatment and extrajudicial executions of prisoners of war, which may amount to war crimes under international law.

Intense fighting also 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. 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.

The ICC has issued arrest warrants for six Russian officials since 2023, including President Vladimir Putin and former Minister of Defense General Sergei Shoigu, for conduct and abuses in Ukraine that amount to war crimes and crimes against humanity, including the forcible transfer of children from Ukraine to Russia, directing attacks on civilian objects and causing excessive harm to civilian areas. The ICC also opened a field office in Kyiv to assist with the prosecution of over 130,000 cases of war crimes documented by the Ukrainian authorities. 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 requesting all parties to refrain from actions that may prolong the conflict. While the Court determined on 2 February 2024 that it cannot adjudicate on whether Russia’s invasion violated its obligations under the Genocide Convention, it will investigate Russia’s allegations that Ukraine committed a genocide against the Russian-speaking population in Donbas – one of Russia’s justifications for the invasion.

Russia's aggression in Ukraine has been widely condemned and many states and intergovernmental organizations have responded with 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 insisted on the immediate reversal of Russia's annexation of occupied Ukrainian territory and called for reparations and justice for violations of IHL.

## RECENT DEVELOPMENTS

Civilian casualties have significantly increased since March 2024 amid Russia's escalating use of powerful air-dropped bombs with wide-area effects. According to the Norwegian Refugee Council, over 3,200 civilian casualties were recorded between June and August 2024, marking a 33.7 percent increase compared to the same period last year. The HRMMU documented at least 208 civilians killed in September and 1,220 injured, marking the highest month for civilian casualties in 2024.

On 23 September the HRC-mandated Col on Ukraine reported evidence of sexual violence used as torture, mainly against male victims in detention, and of rapes targeting women in villages under Russian control. The Col also found sexual violence across "almost all" detention centers, demonstrating that torture has been used as a common and acceptable practice by Russian authorities, with a sense of impunity.

## ANALYSIS

The Col, Organization for Security and Co-Operation in Europe and other monitors have found that violations and abuses perpetrated by Russian forces in areas under their control may amount to war crimes and crimes against humanity. This includes killing, rape and the systematic use of torture against civilians, as well as grave crimes against children, such as killing, maiming, unlawful transfers and deportations.

Civilians in Ukraine are at increased risk as Russian forces target residential buildings and other civilian infrastructure with relentless drone and rocket strikes with wide-area effects. 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. Russian officials have also implemented anti-Ukrainian curriculums for children in occupied areas.

The vast differences in the respective preconditions for peace talks expressed by each side highlight the increasingly slim opportunity for negotiations that would bring a lasting end to the 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 and unguided weapons by Russian forces and counteroffensive by Ukrainian forces.
- 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 violations must be investigated and perpetrators held accountable. Legal proceedings for those accused of crimes must be transparent, impartial and respect international standards of due process and proportionality.

Amid 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. The international community should also continue to support those in need of humanitarian assistance ahead of the perilous winter months.



## VENEZUELA

Ongoing state-led repression in Venezuela may amount to crimes against humanity.

### BACKGROUND

On 28 July Venezuela held presidential elections with widespread voter turnout. While the government-controlled National Electoral Council (CNE) declared incumbent President Nicolás Maduro the winner, a large number of the available tally copies from polling centers documented an estimated 67 percent of votes for the leading opposition candidate, Edmundo González Urrutia. International observers, including the UN and Carter Center, expressed serious concerns about the lack of transparency and credibility of the results announced by the CNE. Following the CNE's declaration, protests erupted across Venezuela. Since then the government has rapidly intensified widespread repression and targeted persecution of actual or alleged opponents, including ordinary citizens, opposition members, journalists and human rights defenders.

The presidential election was viewed by many Venezuelans as a vital opportunity for a long-term democratic transition and an end to the country's decade-long multidimensional crisis. Following years of endemic corruption and the gradual erosion of the rule of law, in 2014 mass protests erupted in response to insecurity, hyperinflation and a lack of essential services. Security forces reacted with disproportionate force, torture and sexual violence. Since then, the Venezuelan government under President Maduro, including the 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 years-old living in low-income neighborhoods. Over the past decade, an estimated 8 million Venezuelans have left the country in what is considered the largest migration crisis in recent Latin American history.

The HRC-mandated FFM on Venezuela, which was established in 2019, has found on multiple occasions that some violations and abuses committed since at least 2014 were part of a “widespread and systematic attack” against the civilian population and are “part of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity.” Following the 2024 presidential election, the FFM warned of a “new wave of persecution,” including through “the accelerated reactivation of the repressive machinery that was never dismantled and is now being used to undermine the public freedoms of citizens.” The government has consistently refused to cooperate with the FFM and in February 2024 demanded OHCHR withdraw its staff from the country.

Communities across Venezuela, including Indigenous Peoples, also remain at heightened risk of egregious abuses by armed groups, criminal gangs or other non-state actors, acting at times with the consent and direct involvement of Venezuelan state agents who have been implicated in possible crimes against humanity.

Since 2017 the EU has maintained sanctions against more than 50 senior officials. The US government has also imposed and expanded targeted sanctions against the Venezuelan government, as well as broader sectoral sanctions that have exacerbated the country's pre-existing complex humanitarian emergency. On 24 April 2024 the Chief Prosecutor of the ICC inaugurated an in-country office in Caracas, while emphasizing that investigations into possible crimes against humanity will be pursued “simultaneously, and without delay.”

### RECENT DEVELOPMENTS

In the months leading up to the presidential election, human rights organizations warned about early warning signs of a deteriorating situation marked by targeted persecution, attacks against civic space and a systematic campaign against political opposition. To remain in power, authorities subsequently resorted to a significant and rapid intensification of repression as a strategy to silence dissent following widespread societal outrage over suspected electoral fraud. Venezuelan NGO Foro Penal verified the detention of 1,828 individuals between 29 July and 28 October alone. Rapidly intensifying repression has been accompanied by hate speech and inflammatory rhetoric by high-level officials. On 3 August President Maduro announced that thousands of detainees will be sent to maximum security prisons and called on Venezuelans to use telecommunication channels to register data of alleged opponents. Efforts to maintain internal obedience leaves members of the military at particular risk of violations and abuses, including enforced disappearances.

On 15 August the National Assembly passed legislation known as the “NGO Law,” jeopardizing the work, safety and security of organizations across the country. Attorney General Tarek William

Saab regularly threatens human rights defenders engaging with UN mechanisms with arrest upon return to Venezuela.

On 17 September the FFM warned that there are reasonable grounds to believe that Venezuelan authorities have committed the crime against humanity of politically motivated persecution. On 11 October the HRC adopted a resolution to renew the mandate of the FFM for two additional years and request OHCHR to provide an update on the deteriorating situation in Venezuela before the end of 2024.

## ANALYSIS

Venezuela continues to face a highly volatile period ahead of the official inauguration of a new administration on 10 January, as well as scheduled regional, municipal and parliamentary elections during 2025. Compared with other periods over the past decade, the current tensions and patterns of repression are unprecedented, and leave populations at imminent risk of crimes against humanity. Intensifying government repression has also increased existing vulnerabilities of an estimated 19 million Venezuelans inside the country who are in need of assistance.

Refusal by authorities to ensure transparency over the electoral process is also risking a period of renewed regional and international isolation, with disastrous effects for Venezuelans inside and outside the country. 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, and must go hand in hand with efforts by regional actors to compel the Maduro administration to engage in political dialogue.

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. Mass detentions and the use of telecommunication channels to persecute alleged opponents – including protesters from low-income neighborhoods – are used to maintain social control and instill fear.

## RISK ASSESSMENT

- Senior government officials involved in the planning and commission of violent acts, including possible crimes against humanity.
- Lack of independent and impartial judiciary and other state institutions, as well as impunity for or tolerance of serious violations of international law, including atrocity crimes.

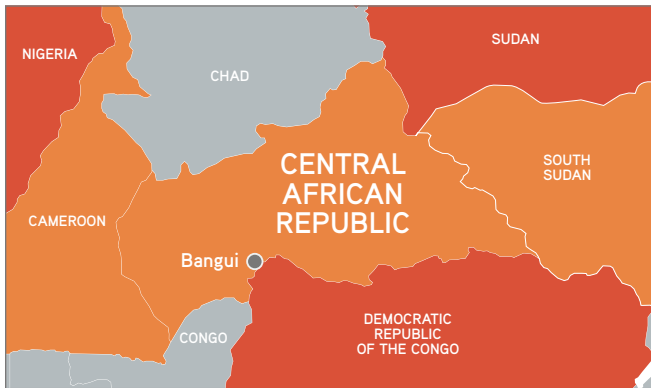
- Adoption of measures to criminalize civil society organizations and attacks against democratic institutions and electoral guarantees, particularly in the context of the 2024 and 2025 elections.
- Absence of accountable state authority, presence of non-state armed actors and high levels of crime, corruption and illicit economic exploitation in large parts of the country.
- Political motives to continue systematic repression aimed at the consolidation of power.

## NECESSARY ACTION

Venezuelan authorities must immediately end the systematic repression and targeted persecution of all actual or alleged opponents, release all individuals subject to arbitrary detention and enforced disappearances and refrain from hate speech and inflammatory rhetoric. The government should commit to a political solution to the crisis and ensure genuine and comprehensive reform, as well as impartial investigations of all serious violations and abuses.

Latin American governments, the EU, Canada, US and other stakeholders should identify coordinated mitigation strategies to ensure a political solution to the crisis. All remaining diplomatic channels to the Maduro government – including by Colombia, Brazil and Mexico – should be used to advance mediation efforts to avoid rapidly intensifying repression and an imminent risk of atrocity crimes.

The international donor community should expand their support for civil society organizations documenting human rights violations and providing humanitarian relief to populations in need.



## 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 of Patriots for Change (CPC), launched a violent offensive against the government of the Central African Republic (CAR), marking a shift in the crisis. Major towns were occupied by the CPC, which included some of CAR's strongest rebel groups. The Central African Armed Forces (FACA) – working closely with Russian security partners, including mercenary fighters from the Wagner Group (now Africa Corps) – responded with counteroffensives, forcing armed groups to withdraw from provincial towns for the first time in at least a decade and further into remote areas.

Since then, the CPC – although weakened and internally divided – and other armed groups have perpetrated regular violent attacks, with civilian populations in the northwest, east and south bearing the brunt. Armed groups are committing IHL violations, including killing and abducting civilians, the forcible recruitment of children and attacks on civilian infrastructure, humanitarian workers and the UN peacekeeping mission (MINUSCA). OHCHR reported that two CPC-affiliated armed groups, including the Union for Peace in CAR (UPC), have perpetrated systematic and widespread conflict-related sexual violence, including rape, gang rape and sexual slavery. CPC-aligned armed groups in particular have increasingly utilized guerrilla tactics, including ambushes, explosive ordnance and kidnappings, oftentimes ambushing FACA and isolating civilians in rural communities. Some armed groups frequently use or lay landmines and explosive ordnance, resulting in civilian harm and hindering aid delivery in the northwest.

The UN has also documented abuses and violations by FACA and mercenaries that may amount to war crimes, including summary executions, arbitrary killings, torture, rape and

enforced disappearances. According to ACLED, Russian mercenaries have reportedly killed over 900 civilians since December 2020. Ethnic and religious minorities have been disproportionately targeted – 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 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.

During March 2023 the Azande Ani Kpi Gbe (AAKG), a predominantly ethnic Azande armed group, emerged in Haut-Mbomou. The AAKG has sporadically clashed with the UPC, a predominantly Fulani armed group, and forcibly recruited Azande youth and targeted Fulani and Muslim communities with threats and abductions.

Government institutions have cracked down on human rights defenders, independent media and the opposition in recent years, with many arrested, harassed by pro-government armed groups or subjected to judicial investigations. These authoritarian actions increased throughout 2024, fueling persistent tensions ahead of a key electoral period during 2025.

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. The Special Criminal Court (SCC) in CAR has issued at least 46 arrest warrants for war crimes and/or crimes against humanity and has more than a dozen judicial inquiries open.

### RECENT DEVELOPMENTS

Armed group activity and IHL violations and human rights abuses continue, particularly in the northwest and east due to competition over mining sites and main road axes. Between June and October the UN recorded a 73 percent increase in violations and abuses, especially grave violations against children and conflict-related sexual violence, and an 83 percent increase in the number of victims.

The UNSC-mandated PoE has warned of a spillover effect of the conflict in neighboring Sudan. The paramilitary RSF have crossed the border to use CAR territory as a logistical hub and recruit fighters from armed groups, while the SAF have

launched air raids along the border. The PoE also alerted about heightened tensions between local communities and Sudanese refugees, with armed groups infiltrating camps and engaging in forced recruitment, use of child soldiers and attacks based on religious and ethnic grounds.

In southeast CAR, the AAKG and UPC have launched attacks in Haut-Mbomou since February, targeting civilians along ethnic and religious lines and resulting in dozens killed or injured. Meanwhile, hundreds of AAKG fighters were integrated into the FACA and are conducting joint operations under the name Wagner Ti Azande, dislocating the UPC from their strongholds. Since then, UPC attacks on civilians have become increasingly brutal. Escalating abuses by the AAKG against non-Zandé groups, particularly Fulani and Muslim, have also been reported, including the targeting of civilians in displacement camps and cases gang rape.

After one CPC leader expressed willingness to end hostilities, on 14 August the government and an armed group representative met in Bangui for disarmament talks. In recent months hundreds of CPC combatants have voluntarily surrendered. However, dissident factions of the CPC continue to pursue their own interests and attack civilians and civilian property across eastern CAR.

## **ANALYSIS**

The security situation remains precarious in certain areas amid heightened tensions and recurrent attacks on civilians. Although the CPC has weakened and become fragmented over time, combatants continue to pose a threat to civilians. The cross-border flow of foreign fighters, arms and natural resources contributes to a thriving conflict-economy. Wagner operatives have committed human rights abuses and targeted civilians as they maintain and increase their control of mining areas.

The targeting of ethnic and religious communities heightens atrocity risks and may trigger further violence along communal, religious and ethnic lines. Continued attacks by the UPC and AAKG, as well as the integration of AAKG fighters into the FACA, risks reprisals against Fulani and Muslim communities.

The history of widespread impunity in CAR 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.

## **RISK ASSESSMENT**

- Security crisis caused by, among other factors, defection from a peace agreement, lack of commitment to a ceasefire and armed activity.
- Acts of violence and exploitation against vulnerable populations, particularly women and children.
- Escalating violence on the basis of ethnicity and religion, increasing likelihood of retaliatory attacks.
- Training and use of abusive armed groups as proxies and integration of such groups into FACA, inflaming inter-communal tensions.
- Repressive measures to close civic space and suppress dissent, resulting in a climate of fear ahead of local and presidential elections in 2025.

## **NECESSARY ACTION**

All armed actors must adhere to their obligations under IHL and IHRL. CAR authorities must instruct FACA to cease collusion or cooperation with armed groups. Provincial and local authorities, in coordination with civil society, should implement community-based atrocity prevention and response strategies to address and mitigate inter-communal tensions, as well as transhumance-related violence. The international community should provide the necessary resources to the UN Mine Action Service for the clearance of explosive devices.

All perpetrators of atrocities in CAR should be held legally accountable, regardless of their political status, rank, affiliation or nationality. All suspects subject to SCC arrest warrants should be taken into custody. The international community should ensure that the SCC has sufficient resources to carry out its mandate.

CAR authorities must guarantee the independence of institutions, respect freedom of peaceful assembly and association, strengthen and protect civic space and counter incitement to violence.



## SOUTH SUDAN

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

### BACKGROUND

For over six years, populations across South Sudan have endured widespread instability and escalating localized violence due in part to delays in implementing the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). This instability has its origins in the civil war between December 2013 and August 2015, which claimed an estimated 400,000 lives. During that period, the Sudan People's Liberation Army (SPLA) and armed rebels from the SPLA-In Opposition committed widespread atrocities, including extrajudicial killings, torture, child abductions and sexual violence. Despite multiple peace agreements from 2015 to 2018, intermittent fighting and ethnic violence persisted.

In September 2018 the R-ARCSS was signed by parties to the conflict, including President Salva Kiir and opposition leader Riek Machar, formally ending the civil war and paving the way for a transitional government. After multiple extensions, on 13 September 2024, President Kiir announced a further two-year extension of the transitional period, postponing elections from December 2024 to December 2026 due to the absence of the necessary infrastructure and reforms for the country's first elections to be held since its independence in 2011.

The Transitional Government of National Unity (TGoNU) has struggled to implement essential provisions of the R-ARCSS, such as security sector reforms, armed forces unification, constitutional drafting and governance reforms, with many security forces still aligned with different factions of the peace agreement and lacking unified command or professional training. Concerns about the feasibility of elections intensified after the National Elections Commission announced the December election date in July 2024. Political opponents, civil society groups and faith-based organizations voiced skepticism

about the possibility of credible elections by December. In August UN Special Representative Nicholas Haysom similarly cautioned that South Sudan was unprepared for elections, citing the absence of a permanent constitutional framework, inadequate electoral institutions, insufficient voter registration and unclear election security plans. President Kiir warned that further postponements could risk reigniting conflict in South Sudan.

The prolonged delays and ongoing political friction within the TGoNU have also fueled local conflicts, as political and military leaders continue to exploit long-standing ethnic divisions.

Grave human rights violations and abuses continue as populations in various parts of the country face frequent inter-communal violence and sub-national clashes. Senior political and military leaders have manipulated long-standing enmities between rival ethnic communities, enabling national level political dynamics to spark local conflicts. 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 led to violent clashes and serious human rights violations, including widespread sexual violence, particularly against women and girls.

The UN Mission in South Sudan (UNMISS) reported in October that inter-communal fighting and violence stemming from community-based militias and civil defense groups, driven by border disputes, cross-border conflicts, cyclical retaliatory attacks and ethnic polarization, continued to be the main cause of subnational violence. Between April and June 2024 UNMISS documented 1,062 victims of inter-communal and political violence, including 442 killed, 297 injured, 197 abducted and 126 subjected to sexual violence. This marked a 32 percent increase in violent incidents and a 16 percent increase in the number of victims compared to the first quarter of 2024. The gravity of the violence was most extensive in Warrap State where 32 percent of all civilian casualties took place.

According to OCHA, over 9 million people – more than two thirds of the population – need humanitarian assistance. An estimated 2 million people remain internally displaced and 2.29 million have fled to neighboring countries.

### RECENT DEVELOPMENTS

In response to the election postponement, several international bodies, including the UN, AU, EU and Troika countries, released statements highlighting the failure of South Sudan's leaders to establish the necessary conditions for holding credible, peaceful and inclusive elections. They urged the leadership to use the extended transitional period to achieve concrete progress, especially towards security sector reform and the constitutional process.

Throughout August, violence continued across South Sudan. In Upper Nile State clashes between government forces and armed youth in Nasir town escalated tensions and led to an unknown number of civilian displacements. In Tonj East County, Warrap State, revenge-driven inter-communal violence led to the killing of at least 20 civilians and damage to civilian property.

## ANALYSIS

The repeated failure to uphold multiple peace agreements, continued political competition and mobilization of armed groups show a lack of genuine commitment to a political solution by South Sudan's leaders. Their focus on preserving personal power allowed 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. While holding elections under the current circumstances risked triggering atrocities, continuously postponing elections can also significantly escalate tensions between political factions and lead to unrest or violence. Frequent delays in the democratic process can foment increased instability and frustration among the public, eroding trust in the government's commitment or capacity to organize free and fair elections.

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

- A security crisis caused by, among other factors, delays in implementing a peace agreement, 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

The transitional government must take decisive action to establish the essential conditions for conducting genuine and peaceful elections. The TGoNU must urgently reform the security sector and promote accountability and professionalism within all security forces. The TGoNU should also respect civic and political space and take all necessary measures to guarantee the participation of civilians in essential democratic processes. All armed groups must immediately cease hostilities and respect IHRL and IHL to prevent further civilian harm. The TGoNU must make every effort to stop the fighting, address the root causes of inter-communal violence and ensure the safety and security of all populations.

The 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.

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

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

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

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

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

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

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