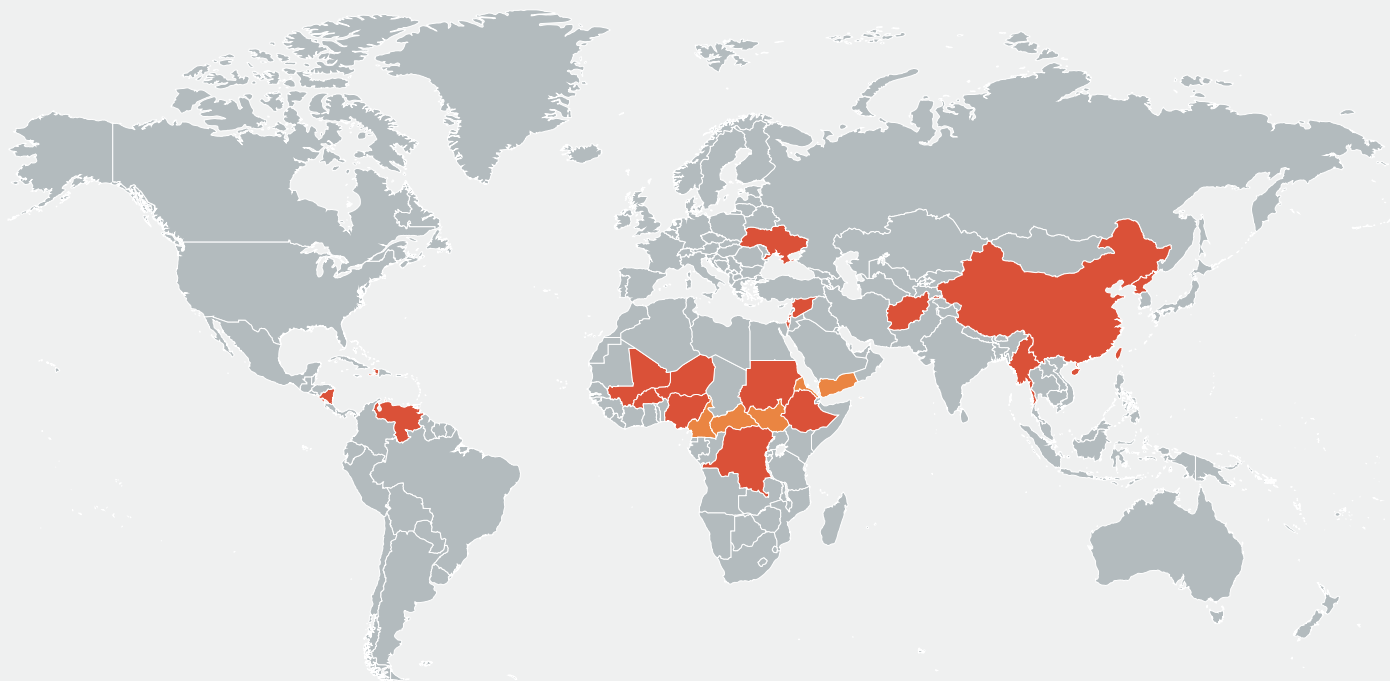


Flygtningenævnets baggrundsmateriale

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

CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

IMMINENT RISK

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

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

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AFGHANISTAN

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

BACKGROUND

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

The Taliban de facto authorities have 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). Over 50 sweeping repressive edicts and decrees targeting women and girls severely limit freedom of movement, freedom of opinion and expression, employment opportunities, political and public representation and access to education and healthcare. 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 de facto authorities may be perpetrating gender persecution and gender apartheid as they appear to be governing through systematic discrimination with the intent to subject women and girls to total domination. Women's rights activists and gender equality advocates have faced targeted killings, enforced disappearances, incommunicado detention, attacks and harassment.

The Human Rights Service of the UN Assistance Mission in Afghanistan (UNAMA) verified over 3,774 civilians killed or wounded from 15 August 2021 to 30 May 2023, mostly in deliberate attacks. Many of these attacks were attributed to ISIL-K, and over 1,218 of the documented civilian casualties

occurred in attacks with improvised explosive devices (IEDs) on places of worship. ISIL-K frequently claims attacks that target Shia Hazara, other Shia Muslims, Sufi Muslims, Sikhs and other minorities. Individuals from ethnic and religious minority communities have been arbitrarily arrested, tortured, summarily executed and forced to flee. The UN Special Rapporteur reported in September 2022 that attacks against ethnic and religious minorities appear to be systematic in nature and reflect elements of an organizational policy, likely amounting to crimes against humanity.

UNAMA has documented evidence of the Taliban de facto authorities committing extrajudicial killings, arbitrary arrests and detentions, incommunicado detention and torture and ill-treatment against specific groups, including media workers, human rights defenders and individuals affiliated with the former government. UNAMA has reported over 1,600 cases of human rights violations committed during arrests and detentions, including torture and other cruel, inhuman or degrading treatment.

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), two-thirds of Afghanistan's population need humanitarian aid to survive.

The Taliban were the de facto authorities in Afghanistan from 1996-2001 before they were overthrown by a North Atlantic Treaty Organization coalition of military forces. During two decades of insurgency against the internationally recognized Afghan government, the Taliban perpetrated likely crimes against humanity and war crimes while Afghan security forces and members of the United States (US) military and Central Intelligence Agency (CIA) also committed likely war crimes. 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

Since 1 January 2024 UNAMA has documented a series of arbitrary arrests and detentions of women and girls, particularly those from ethnic and religious minority communities, by the Taliban on the basis 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 by the Taliban due to increased police harassment. The latest edict at the end of March 2024 announced that the Taliban will resume publicly stoning and flogging women to death for alleged adultery.

Ethnic and religious minorities, particularly the Shia Hazara, continue to be systematically targeted in attacks. In recent months IED attacks on minibuses and in mosques have killed dozens of civilians.

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.

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.

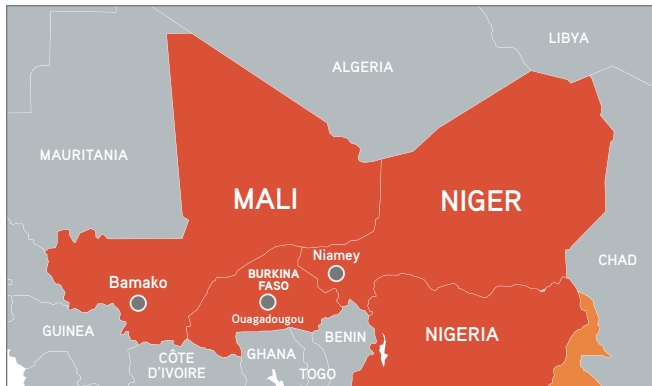
- Weakness of state structures to protect vulnerable populations and an unwillingness of the de facto authorities to uphold obligations under international law.

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

The international community should continue to pursue justice for likely atrocity crimes committed in Afghanistan, regardless of the position, nationality or affiliation of the alleged perpetrator. Ongoing investigations at the ICC should include 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 may 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. These groups perpetrate recurrent abuses and escalating attacks against civilians that may amount to war crimes and crimes against humanity. 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 3 million people are internally displaced in the region, including more than 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 have systematically used sieges, threats, kidnappings, IEDs and landmines as deliberate tactics of war as they seek to control supply routes and increase areas of influence. According to Amnesty International, al-Qaeda-affiliated Ansaroul Islam and other armed groups are enforcing sieges in at least 46 localities and committing war crimes. Across the region, armed Islamist groups are imposing forced taxation and strategically destroying and looting civilian objects, including places of worship, health centers, food reserves, water services and bridges. Groups have also routinely targeted secular state education, burning schools and threatening, abducting or killing teachers.

Counterterrorism operations have often led to human rights violations and abuses that likely amount to war crimes. Malian

Armed Forces (FAMA) and allied mercenaries from the Wagner Group (now Africa Corps) have perpetrated possible war crimes and crimes against humanity since December 2021, including summary executions, rape, sexual violence and torture against civilians. A July 2023 report by the then UNSC-mandated Panel of Experts (PoE) on Mali warned that FAMA troops and mercenaries are allegedly perpetrating systematic sexual violence and other grave abuses to spread terror. State-sponsored militias in Burkina Faso, notably the Volunteers for the Defense of the Homeland (VDP), have also been implicated in grave crimes along ethnic lines, which disproportionately target the Fulani community.

The region has faced significant political and security upheaval in recent years. Both Mali and Burkina Faso have each undergone two military coups since 2020 and in July 2023 a military coup occurred in Niger. On 16 September 2023 Burkina Faso, Mali and Niger created the Alliance of Sahel States, a mutual defense pact, and decided to withdraw from the Economic Community of West African States (ECOWAS) in January 2024. During March the three military juntas announced the formation of a joint force to fight armed Islamist groups.

Despite the deterioration of the situation in Mali during 2023, the UNSC sanctions regime and peacekeeping mission (MINUSMA) were terminated.

RECENT DEVELOPMENTS

During a visit to Burkina Faso in March 2024, the UN High Commissioner for Human Rights denounced increasing massacres against civilians in the country. According to Human Rights Watch, the military summarily executed over 220 civilians on 25 February as part of a widespread campaign against civilians accused of aiding armed Islamist groups, which may amount to crimes against humanity. In March the UN Committee on Enforced Disappearances said it received information on the existence of several mass graves and expressed concern about allegations of enforced disappearances, which mainly target the Fulani, and were reportedly committed by the armed forces or the VDP. On 30 April the African Francophone Coalitions for the ICC called for the Chief Prosecutor to open an investigation. During May a video verified by international media showed bodies burning while images documented a series of apparent civilian killings by the military in the eastern Foutouri area.

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. In recent months, Burkinabé authorities have abused this law by forcibly conscripting dozens of perceived critics and activists in counterinsurgency operations, likely amounting to enforced disappearances.

Amid scaled up operations, the three Central Sahelian militaries regularly conduct aerial attacks. Airstrikes targeting suspected members of armed groups reportedly killed at least 15 civilians in Niger's Tillabéri region from 5-6 January. According to Human Rights Watch, the FAMa carried out drone strikes in February on a wedding celebration and on a burial, killing at least 14 people, including children. The following month, a series of drone strikes killed at least 25 civilians and left more than a dozen injured.

Since August the FAMa, accompanied by mercenaries, have violently clashed with a collection of separatist Tuareg movements who had signed a peace deal with the former government. Although clashes have decreased in intensity since the FAMa recaptured Kidal in November, numerous reports have surfaced of past and ongoing indiscriminate killing of hundreds of civilians, targeted attacks on displaced populations, humanitarians and civilian property and looting. Meanwhile, armed groups linked to the Islamic State have besieged major towns in the north for months, trapping civilians and impeding aid access. An al-Qaeda-affiliated armed group has killed scores of civilians and destroyed civilian property in central Mali since January.

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, the security situation has deteriorated and longstanding alliances have been dismantled.

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

Populations continue to be targeted and persecuted on the basis of their ethnic and/or religious identity. The VDPs 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.

The withdrawal of MINUSMA has resulted in significant gaps in human rights monitoring and civilian protection, particularly for populations in the center and north of Mali.

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 large-scale atrocities perpetrated by all armed actors.
- Political instability caused by irregular regime changes.
- Shrinking civic space and crackdown on independent media, human rights defenders and real or perceived opponents as the military regimes consolidate power.

NECESSARY ACTION

While countering violent extremism remains crucial, it is essential that all armed actors ensure that their operations comply with IHL and do not exacerbate inter-communal tensions or fuel further violence. 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 and improve land management and local governance in areas where atrocity risks are greatest. Malian authorities and the separatist movements should take steps toward de-escalation and agree on a lasting ceasefire.

The military authorities of the Central Sahel – with support from national human rights commissions and independent experts – should investigate all violations and abuses of IHL and IHRL. The authorities must end the intimidation and harassment of civil society, including human rights defenders, journalists and dissenting voices. The authorities should also urgently come to an agreement with the UN on assigning peace and development advisers within each Resident Coordinator office to ensure conflict analysis and reporting. 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 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. According to the World Food Programme's 2022 report, at least 10.7 million people are undernourished. This has been exacerbated by the DPRK further entrenching 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.

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

RECENT DEVELOPMENTS

On 28 March 2024 Russia vetoed a resolution which would have renewed the UNSC-mandated 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.

On the 10th anniversary of the Col report, the HRC adopted a resolution by consensus at its 55th session, mandating the High Commissioner to submit 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 also increased resources for OHCHR's office in Seoul and stressed the link between the weapons program, international peace and security and human rights.

Since the partial reopening of the DPRK's borders on 26 August 2023, Chinese authorities have reportedly forcibly returned more than 670 people to the DPRK. China considers border-crossers to be illegal "economic migrants" and does not allow them to seek asylum or resettlement and deports them under a 1986 bilateral treaty with the DPRK, defying its commitments under international refugee law. On 17 October a group of UN experts released a statement calling on China to respect the principle of non-refoulement.

ANALYSIS

Despite international engagements focused on denuclearization and other security issues, the human rights and humanitarian situation in the DPRK has largely been neglected. The repression of civil society and independent media, as well as the absence of free elections or political space for open debate, is intended to perpetually silence criticism of the authorities and diminish opportunities for the review and reform of the DPRK's human rights practices. The 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 country's human rights record is intimately linked to its weapons development program, which benefits from forced labor, contributes to widespread poverty and hunger through unequal resource distribution and enhances the government's capacity to repress dissent without fear of international response or intervention. The alleged increase in weapons distribution with Russia heightens the risk of atrocity crimes in the DPRK and other conflict zones, including in Ukraine.

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

RISK ASSESSMENT

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

NECESSARY ACTION

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

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

of which may amount to crimes against humanity. The DPRK government should fully cooperate with OHCHR and allow entry to the Special Rapporteur.

The UNSC must remain seized of the human rights situation in the DPRK and hold regular open briefings on the issue. Council members should act on the recommendations made by the Col and other relevant human rights mechanisms and offices, including by referring the situation to the ICC and imposing targeted sanctions against those responsible for or complicit in crimes against humanity, regardless of the position of the alleged perpetrator. UN member states should provide individual and collective support to the 1718 Sanctions Committee, including by sharing information, and coordinate efforts to ensure adherence with the sanctions regime by all stakeholders. The international community should also explore creative ways to maintain maximum scrutiny and potential avenues for both judicial and non-judicial accountability mechanisms.



DEMOCRATIC REPUBLIC OF THE CONGO

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

BACKGROUND

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

Despite military offensives conducted by the FARDC, with assistance from the UN peacekeeping mission (MONUSCO), violence has escalated in the eastern provinces for several years amidst a surge in attacks by groups like the Allied Democratic Forces (ADF), Cooperative for the Development of Congo (CODECO) and the March 23 Movement (M23), among others. Although the government declared military rule in North Kivu and Ituri in May 2021 under a so-called “state of siege” to confront armed groups, and bilateral and regional forces have been deployed, these efforts have failed to stem violence or attacks against populations. At least 2,446 civilians were killed in South Kivu, North Kivu and Ituri provinces between January and late October 2023. Ongoing attacks have had a devastating impact on children and women, with a marked increase in sexual violence and grave violations against children. Cases of gender-based violence increased five-fold over the last year.

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 on both sides and scores of villages, schools and medical facilities destroyed. The Mobondo militia – a group of predominantly Yaka fighters – aimed to drive the Teke from their villages. Although the conflict has decreased in intensity and customary authorities signed a peace deal during April 2024, sporadic violence and heightened tensions remain. The Congolese government has reportedly integrated surrendered Mobondo members into the FARDC and sent hundreds of them to eastern DRC to fight M23 without any prior vetting to ensure that they were not previously involved in serious human rights abuses.

Protracted and resurgent violence and insecurity have exacerbated an already dire humanitarian crisis. At least 7.3 million Congolese are internally displaced and face grave protection risks. Armed groups, in particular CODECO, have perpetrated targeted attacks against displacement sites in eastern DRC, killing hundreds of civilians and causing further displacement. At times the FARDC and MONUSCO have failed to prevent or stop these attacks.

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

RECENT DEVELOPMENTS

Following a request by the Congolese government for an accelerated withdrawal of MONUSCO, the UNSC adopted a resolution on 20 December 2023 which renewed MONUSCO's mandate for a year, while establishing its gradual, responsible and sustainable withdrawal, starting with a drawdown from

South Kivu by 30 April. Peacekeepers remain in North Kivu and Ituri, continuing to carry out their civilian protection mandate. In mid-December the Southern African Development Community Mission in the DRC was deployed in North Kivu.

The security situation in North Kivu has further deteriorated since early October due to ongoing fighting between M23 and the FARDC supported by a coalition of local militias (known as Wazalendo). The Democratic Forces for the Liberation of Rwanda also remains active. M23 has made major territorial advances that have brought the conflict closer to the provincial capital, Goma, causing mass displacement. In areas under their control, M23 has reportedly perpetrated unlawful killings, rape and other alleged war crimes, while the FARDC and its proxies have perpetrated extrajudicial executions, arbitrary arrests and detentions. The intense fighting is marked by the indiscriminate use of heavy artillery, shelling and bombings in populated areas. On 3 May shelling hit two displacement sites around Goma, killing at least 35 civilians.

Civilians also remain at risk in Ituri, with the ADF, CODECO and other groups launching recurrent attacks against civilians and civilian property in Djugu, Irumu and Mambasa territories. Nearly 200 violent attacks occurred in the first three months of the year. According to the UN, between 1 January 2023 and 19 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 is once again being 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. The drawdown of MONUSCO from areas where peacekeepers regularly patrolled may exacerbate an existing security and protection vacuum, putting civilians at further risk, particularly as armed groups remobilize in South Kivu. FARDC offensives often trigger violent reprisals by armed groups who target civilians. By integrating members of armed groups who have been implicated in past crimes into the FARDC, the government has encouraged impunity, while posing risks to civilians.

The UNSC-mandated PoE on DRC and several others have found evidence or alleged that Rwanda supported M23 in 2013 and has provided logistical support and fought alongside the group during its resurgence since November 2021. M23's renewed offensive has aggravated regional tensions and provoked an

increase in hate speech and incitement to discrimination in DRC, particularly targeting Tutsis/Banyarwanda individuals and others. UN officials have warned about the potential for a direct confrontation between DRC and Rwanda.

RISK ASSESSMENT

- 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.
- Ongoing cross-border tensions between Rwandan and Congolese officials.
- Long-standing, unaddressed inter-communal tensions and rivalries, as well as the politicization of identity.
- Growing trend of conflict-related sexual violence, disproportionately impacting displaced women and girls, and the presence of armed actors around displacement sites.
- Existing security vacuum exacerbated by FARDC deployment to fight M23, emboldening other armed groups to target civilians.

NECESSARY ACTION

The DRC government and all regional and 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. All forces should prevent, investigate and publicly report on violations and abuses of human rights and IHL violations.

Neighboring states should ensure that forces active in the DRC refrain from illicit activities. The international community should suspend military assistance to governments found to be supporting armed groups.

MONUSCO must maintain a protective environment throughout the phases of disengagement, including by developing integrated provincial protection plans, in close consultation with civil society. The international community should provide adequate and predictable financing to other UN entities that assume additional functions as MONUSCO draws down, including the UN Joint Human Rights Office. 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

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

BACKGROUND

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

Possible war crimes and crimes against humanity were committed by all parties to the conflict. Several UN bodies, including the International Commission of Human Rights Experts on Ethiopia (ICHREE), and international human rights groups documented indiscriminate bombings, ethnic-based killings, sexual violence, forced displacement, use of child soldiers, destruction of cultural heritage and systematic destruction of food, water and health infrastructure. Amnesty International and Human Rights Watch found that Amhara regional forces and militias and the EDF, with ENDF complicity, were responsible for the ethnic cleansing of Tigrayans from Western Tigray.

Despite the CoHA, abuses by the EDF and regional Amhara forces have continued in Tigray, including looting of civilian property, as well as kidnappings and mass detentions, while the ICHREE and international human rights groups have

documented potential war crimes and crimes against humanity, including sexual violence and extrajudicial killings of civilians. Despite multiple warnings from the ICHREE of an imminent risk of atrocity crimes, UN member states failed to put forward a resolution to renew the Commission's mandate at the HRC's 54th session, ending international monitoring of the crises.

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, including criminal accountability, truth-seeking, reparations and guarantees of non-recurrence.

In April 2023 the government announced plans to integrate regional militia forces into the federal army and police, prompting fears among populations regarding loss of regional autonomy and vulnerability to attacks by other ethnic groups. Protests against the measure escalated in Amhara, leading to intense clashes between the fano, an irregular ethnic Amhara militia, and the ENDF. The EHRC has documented the targeting of civilians and civilian property during the clashes. The UN has warned of ongoing abuses, including arbitrary arrests and drone strikes targeting civilian areas. The ENDF have also been accused of killing civilians while searching for fano supporters.

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

RECENT DEVELOPMENTS

From 14-15 February clashes were reported in Amhara-controlled areas of the Southern Tigray zone for the first time since the CoHA. Fighting between ethnic armed groups, as well as with the ENDF, also continued in the Amhara region. From 18-21 March ethnic Amhara and Oromo militias clashed, killing at least 27 people. Fighting between Amhara militias and the ENDF persists, mainly around West Gojam zone. On 5 February the ENDF conducted house-to-house searches in Merawi and executed at least 50 civilians, including a 6-year-old child, in retaliation for intense clashes with fano militia.

In Oromia the ENDF killed at least 16 Amharas during search operations between 15-16 March. Clashes between the ENDF and OLA also escalated throughout March, particularly in West Guji zone.

In the Gambella region, at least 138 people have been killed in inter-communal violence since May 2023, according to the

EHRC. This includes violence perpetrated by and against South Sudanese refugees living in shelters across the region.

On 1 March the European Union (EU) pledged 16 million Euro to support the disarmament, demobilization and reintegration of at least 370,000 ex-combatants in eight regions across Ethiopia.

On 17 April 2024 Ethiopia's Council of Ministers approved the long-awaited draft Transitional Justice Policy.

ANALYSIS

Populations in Tigray, Afar and Amhara remain at risk of further war crimes and crimes against humanity due to repeated violations of the CoHA. The unresolved question of the administration of Western Tigray and other disputed territories could reignite conflict, with both Amhara and Tigrayan ethnic groups claiming control over the land. Rising tensions between the interim Tigray authorities and the federal government have the potential to spark a wider conflict.

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

In the Amhara and Oromia regions, civilians remain at heightened risk of atrocities due to fighting between ethnic militias and the ENDF's retaliation on local communities. Amharas in Oromia are also particularly vulnerable to attacks by the OLA. The targeting of civilians based on their identity may amount to crimes against humanity.

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

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

RISK ASSESSMENT

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

- Unresolved inter-communal tensions and the ENDF's attacks on associated ethnic-based militias – many of whom are fighting for autonomy of their group.
- Inflammatory rhetoric, propaganda campaigns or hate speech by political figures to capitalize on the politicization of ethnic identity.
- Lack of trust and confidence in state institutions to resolve conflicts and implement transitional justice initiatives.

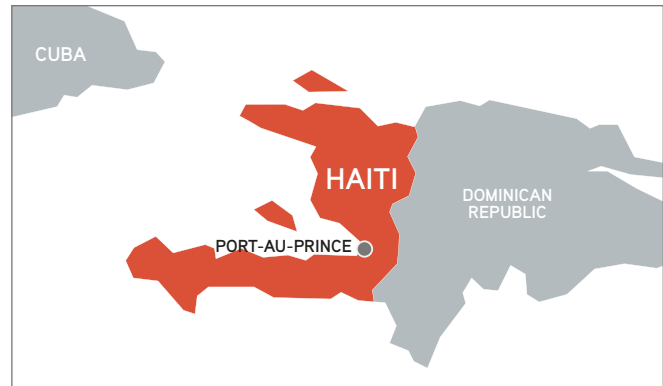
NECESSARY ACTION

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. The UNSC should impose an arms embargo and sanctions on spoilers to the peace process.

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

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



HAITI

Populations in Port-au-Prince, Haiti, are facing possible crimes against humanity 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 over 600,000 children, live in areas under gang control. Throughout 2023 several UN officials warned that insecurity in the Port-au-Prince metropolitan area reached levels comparable to countries in armed conflict. Gang violence reached unprecedented levels, with over 8,400 people killed, injured or kidnapped – more than double the figure from 2022.

Populations are often confined to their neighborhood and face killings, disappearances, sexual violence and indiscriminate sniper attacks. Gangs also 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. According to OHCHR and BINUH, there has also been a significant rise in gang violence in Artibonite, a department in central Haiti, where populations face near-daily abuses. 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. Refusing sexual demands has led to reprisals, including killings and arson attacks.

Throughout 2023 civilians were targeted with deadly violence amid intense turf wars between two of the largest gang coalitions – the G9 and Gpèp – in Cité Soleil and Port-au-Prince communes, as well as by the territorial expansion of

other gangs in eastern and southern communes of the capital. In response to escalating violence, a civilian self-defense movement – known as “Bwa Kale” – emerged in April 2023. Hundreds of alleged gang members have subsequently been killed. Although the G9 and Gpèp joined forces (an offensive known as Viv Ansanm) in February 2024, abuses against civilians continue following the launch of coordinated attacks across Port-au-Prince targeting police stations, prisons, government institutions and civilian property, including hospitals and cultural and educational institutions.

Insecurity has compounded an existing humanitarian crisis. Haitians have little or no access to basic necessities, as armed gangs have blocked essential transport routes and looted humanitarian supplies. Nearly 1.64 million Haitians are at risk of famine and over 362,551 are internally displaced. According to the International Organization for Migration (IOM), 60 percent of forced displacements occurred in 2023, while over 216,600 Haitians were forcibly returned from neighboring countries.

The grave security situation is exacerbated by protracted political deadlock. Former Prime Minister Ariel Henry controlled the executive and parliamentary functions from July 2021 until his formal resignation on 25 April 2024 following the installation of a Transitional Presidential Council responsible for preparing a roadmap toward elections, among other tasks.

In response to the multidimensional crisis, in October 2022 the UNSC established a sanctions regime, including an arms embargo, targeted asset freezes and travel ban measures. The following year, the UNSC renewed the sanctions regime and broadened the arms embargo, prohibiting all arms sales or transfers to Haiti.

RECENT DEVELOPMENTS

Gangs have expanded at an alarming rate to new areas of Port-au-Prince, including formerly peaceful suburbs, while the security situation further deteriorated in the Artibonite and Center departments. During the first quarter of 2024 the UN recorded 2,505 people killed or injured in gang-related violence – the most violent period since the establishment of BINUH’s monitoring mechanism on gang-related violence in 2022. The UN also documented 400 grave violations against children. The UN Humanitarian Coordinator in Haiti and a group of Special Procedures have warned that human rights violations are widespread and that sexual violence, with the use of torture and collective rape against women, is rampant. According to humanitarian partners, the number of gender-based violence survivors was five times higher in March than in January and February combined. Approximately three quarters of the cases concerned sexual violence. Over 95,000 Haitians were displaced by violence in one month alone.

The upheaval since late February came as then Prime Minister Henry traveled to Kenya to sign a bilateral agreement

facilitating the deployment of 1,000 police to lead the UNSC-authorized Multinational Security Support Mission (MSS). Since the authorization of the MSS on 2 October 2023, there have been judicial, financial, logistical and political challenges delaying its deployment. In February the Bahamas, Bangladesh, Barbados, Benin and Chad formally notified the UN of their intent to contribute personnel, while several countries pledged financial contributions.

ANALYSIS

Populations living in areas under the control of gangs are at heightened risk of grave and widespread human rights abuses, including killings, kidnappings and sexual violence, which may amount to crimes against humanity. The emergence of self-defense movements has resulted in a rise in mob killings and lynching. At times, vigilante groups have joined the Haitian National Police (HNP) during anti-gang operations, and BINUH has documented several cases of extrajudicial killings by the HNP. Gang strongholds are located in densely populated areas in and around the capital, raising risks to civilians should the rules of engagement of the MSS allow for offensive operations.

Insecurity in marginalized areas of Port-au-Prince leave many without access to any public services, exacerbating existing inequalities which fuel patterns of exclusion – a driver of violence. 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. While gang alliances have been shifting and Viv Ansanm is a fledgling pact, the coalition poses grave consequences for Haitians.

The prevalence and spread of gang violence is also fueled by longstanding 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. The lack of legitimate executive or legislative bodies and a dysfunctional judiciary have enabled gangs to continue their activities.

RISK ASSESSMENT

- Proliferation and flow of illicit arms and ammunition to gangs, providing the means for perpetrating abuses and possible atrocities.
- Grave acts of violence, including forcible recruitment of children, as well as systematic sexual violence, particularly against women and girls.
- Under resourced and outnumbered police force.

- Near-complete impunity for violence against civilians, emboldening gang members to perpetrate further abuses.
- Political crisis and ineffective government institutions.

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. The UNSC arms embargo should be implemented immediately and updated regularly. Those responsible for serious abuses, as well as those providing support to and financing gangs, should be investigated and prosecuted in line with international human rights standards. The HNP must vet all its members and remove from service any officers who have colluded with gangs or the Bwa Kale movement.

In cooperation with OHCHR, the MSS must establish an oversight mechanism to prevent human rights violations or abuses, as well as strictly adhere to UN protocols on the prohibition of sexual exploitation and abuse. The UNSC should urge troop-contributing countries and donors to implement a human rights due diligence policy, as well as adequately resource the MSS. Security efforts should be complemented by initiatives to provide jobs, education and access to basic necessities. The international community should provide financial, technical and capacity building support to Haitian civil society.

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



ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORY

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

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

Following the attacks, Israel has launched relentless bombardments from air, land and sea across the Gaza Strip, targeting and destroying civilian objects protected under IHL in a manner widely characterized as collective punishment. Over 70 percent of civilian infrastructure has been destroyed. Palestinians have also been arbitrarily detained in conditions that include cruel, inhuman and degrading treatment and various forms of sexual violence. Several hospitals have been raided, besieged and forcefully evacuated by the Israeli military, while healthcare and humanitarian workers have been targeted and killed in air raids, as well as arbitrarily detained, forcibly disappeared and subjected to ill treatment by Israeli forces. Since 7 October, over 35,000 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 also imposed a complete siege of Gaza, resulting in acute shortages of water, food and medicines that threaten the survival of 2.3 million Palestinians and creating a dire humanitarian crisis. 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. Approximately 1.7 million Palestinians are internally displaced in Gaza and facing successive evacuation orders by the Israeli military. Areas where internally displaced Palestinians have been directed to seek safety are regularly hit by airstrikes and missiles.

The UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory has concluded that since 7 October 2023 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. On 29 December South Africa filed an application before the International Court of Justice (ICJ) instituting proceedings concerning alleged violations of Israel's obligations under the Genocide Convention in relation to Palestinians in Gaza. The ICJ issued legally binding provisional measures on 26 January ordering Israel to take all measures to prevent the commission of all acts within Article II of the Genocide Convention, to ensure that Israeli military forces do not commit any of these acts, to take measures to prevent and punish direct and public incitement to commit genocide against Palestinians, and to provide basic services, including humanitarian aid, to address adverse conditions of life in Gaza.

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

Since 7 October existing patterns of violence by Israeli settlers in the Occupied West Bank have escalated, with Palestinians facing an average of four attacks per day. 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. 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. Over 428 Palestinians have been killed and thousands injured. Israeli forces have also conducted daily mass arrests, as well as denied medical assistance to those injured in attacks. OHCHR has reported a significant increase in extrajudicial executions, mass detentions and enforced disappearances, as well as sexual violence and ill-treatment that may amount to torture against Palestinian detainees.

RECENT DEVELOPMENTS

Since early May, Israeli forces have intensified bombardments and ground operations in Rafah, where approximately 1.5 million Palestinians from northern Gaza were previously told to seek safety and shelter, as well as in areas of northern Gaza, including Jabaliya Refugee Camp and Gaza City. On 26 May Israeli forces bombed a displacement camp in northwestern Rafah brutally killing dozens of Palestinians. Humanitarian agencies have repeatedly warned that the areas to which Palestinians are being forced to flee are unable to manage an influx of displaced persons.

Israeli forces seized and closed the Rafah aid crossing into Gaza on 7 May, resulting in a near-complete halt of humanitarian aid into southern Gaza. The Kerem Shalom aid crossing into Gaza was also closed by Israeli forces for a few days following a nearby rocket attack by Hamas. Despite its reopening on 8 May, at the time of publication humanitarian agencies report there is a continued lack of safe and logistically viable access to the crossing. Prior to these closings, famine was already imminent or likely underway. OHCHR has documented patterns of Israeli attacks on aid warehouses and against Palestinian civilians collecting or seeking aid, with dozens of incidents of shooting, shelling and targeting since January.

Seven mass graves, containing at least 520 bodies, have been discovered outside three hospitals in Gaza. Some of the bodies were those of women and children, many of whom showed signs of torture and summary executions.

On 20 May Chief Prosecutor of the ICC Karim Khan announced the filing of applications for arrest warrants against three Hamas officials and two Israeli government officials – including Prime Minister Benjamin Netanyahu – that bear criminal responsibility for war crimes and crimes against humanity.

Following an urgent request by South Africa, the ICJ issued additional provisional measures on 28 March and on 24 May, requesting Israel take all measures to ensure the provision of basic services and humanitarian assistance and to immediately halt its military offensive in Rafah, as well as maintain open the Rafah crossing for the unhindered provision of humanitarian assistance.

ANALYSIS

Israel's disproportionate attacks on civilians and civilian objects likely amount to war crimes. The mass displacement of Palestinians in Gaza likely amounts to the war crime and crime against humanity of forcible transfer. Ongoing mass displacement and the spread of hostilities southwards, paired with statements by high-level Israeli officials, have increased fears of a possible mass deportation of Palestinians to Egypt.

The imposition of sieges that deprive civilians of goods essential to their survival as a punitive measure may amount to collective punishment, a violation of IHL. While Israel has imposed an air, sea and land blockade of Gaza since 2007, the latest siege likely amounts to intentional starvation of civilians as a method of warfare – a war crime – and may amount to a crime against humanity. The intentional starvation of civilians in Gaza, together with 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.

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

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

RISK ASSESSMENT

- 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 amidst perpetual occupation amounting to de facto and illegal annexation of Palestinian land.
- Dehumanizing hate speech and incitement to violence between groups.

NECESSARY ACTION

All likely war crimes and crimes against humanity must halt immediately. Hamas and other Palestinian armed groups must safely and unconditionally release all individuals taken hostage. All states must cease arms exports to Israel to ensure they are not aiding and abetting atrocities in Gaza, as well as apply other economic and political measures necessary to ensure respect for international law and the implementation of the legally binding UNSC Resolution 2728. Israel should immediately lift the siege of Gaza. A permanent ceasefire must be urgently reached and monitored by an independent, international body. All parties should condemn anti-Semitic, anti-Arab and Islamophobic hate speech and leaders must refrain from spreading and engaging in dehumanizing rhetoric and actions. States must extend their full support to the UN Relief and Works Agency for Palestine Refugees in the Near East's vital mandate.

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 following the February 2021 coup.

BACKGROUND

Since the February 2021 military coup and prolonged states of emergency, the military – known as the Tatmadaw – has compounded the human rights and humanitarian crisis in Myanmar (Burma). In the immediate aftermath, hundreds of thousands of people participated in peaceful protests and strikes against the re-imposition of military rule, while numerous civilian militias – known as People’s Defence Forces (PDFs) – subsequently formed as part of an armed resistance. The military has charged members of the National Unity Government (NUG) – a coalition of democratically elected politicians formed in opposition to military rule – with high treason and pronounced that the NUG and PDFs are terrorist organizations. The Tatmadaw has detained thousands of people accused of resisting the junta, with 20,454 people remaining detained. At least 5,050 people have been killed by the military and anti-junta groups, while 3 million have been displaced – 90 percent since the coup.

The military has targeted civilian areas with airstrikes, scorched earth campaigns and other attacks, particularly in the anti-military strongholds of Magway and Sagaing regions and Chin, Kachin, Shan, Kayah and Karen states. The UN High Commissioner for Human Rights, Volker Türk, has documented a two-fold increase in junta airstrikes since April 2022 that have indiscriminately targeted schools and other civilian infrastructure. According to High Commissioner Türk, at least 1,600 civilians were killed in 2023 alone, a 400 percent increase from 2022. The High Commissioner has also reported other abuses by the junta, including the systematic denial of humanitarian aid to civilians, intentional blocking of humanitarian access, abuses against aid workers and burning alive, dismembering, raping and beheading civilians unable to flee attacks. The Women’s League of Burma has also documented

conflict-related sexual violence, including incidents where women were gang-raped by soldiers and raped at checkpoints.

On 27 October 2023 a coalition of ethnic resistance organizations (EROs) launched “Operation 1027” against the junta, capturing military outposts in Shan, Kachin, Sagaing, Magway and Kayah states. Other groups have subsequently increased attacks, including some PDFs and the Arakan Army (AA) in Rakhine State. According to the Special Advisory Council for Myanmar – comprised of three former UN experts on Myanmar – the junta has lost control of at least 86 percent of the country. Fighting has killed at least 554 civilians and displaced over 800,000, according to OCHA.

Numerous governments have attempted to restrict the junta’s capacity to commit crimes through a variety of measures, including by imposing extensive targeted sanctions on its leaders, military-affiliated companies and others who enable their crimes, suspending development funds, imposing arms embargos, banning dual-use goods and halting the supply of aviation fuel. The Association of Southeast Asian Nations (ASEAN) agreed to a “Five-Point Consensus,” which called for a cessation of hostilities, among other steps, in April 2021. In December 2022 the UNSC passed the first and only resolution on the human rights crisis, demanding an end to the violence and calling for political prisoners to be released.

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

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

RECENT DEVELOPMENTS

While fighting has continued to escalate across the country, the situation is particularly dire in Rakhine State. The junta has intentionally stoked inter-communal conflict between the ethnic

Rakhine and the Rohingya by orchestrating Rohingya protests against the AA and by reportedly encouraging Rohingya military conscripts to set fire to the homes of ethnic Rakhine. On 17 May, following the takeover of the town of Buthidaung by the AA, tens of thousands of Rohingya were displaced and at least 30 killed after the AA reportedly set fire to their homes – a claim the AA denies.

On 4 April the UNSC held its first open briefing on Myanmar since 2019. That same day, the HRC adopted a resolution calling on member states to end the sale of aviation fuel to the junta. On 5 April the UN Secretary-General appointed Julie Bishop as the new Special Envoy for Myanmar.

In April the junta began to forcibly recruit at least 5,000 people per month into military service. According to Human Rights Watch, the military has abducted and forcibly recruited more than 1,000 Rohingya men and boys from across Rakhine State alone, reportedly sending them to the front lines amid the surge in fighting. The military has promised them residence papers denied to Rohingyas since the 1982 Citizenship Law rendered them stateless.

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 to the junta since the coup and has prompted an intensification of indiscriminate, disproportionate and targeted attacks on civilians.

Military forces perpetrated pervasive sexual and gender-based violence during the Rohingya clearance operations and appear to be continuing 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 in Rakhine State.

The enforcement of the conscription law threatens populations with further abuse, especially ethnic minority groups. Some EROs have also been accused of human rights abuses, including the use of child soldiers.

Divisions within the UNSC and ASEAN have hampered the development of a coordinated international response to atrocities in Myanmar, further enabling ongoing abuses. Although many states have imposed sanctions on junta officials, as well as individuals and entities supporting the junta, fuel and arms continue to be shipped into Myanmar, including from entities based in countries imposing sanctions.

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

RISK ASSESSMENT

- Impunity for decades of atrocities perpetrated by the military.
- History of institutionalized persecution and discrimination against ethnic minority groups.
- The military's continued access to weapons, aviation fuel and money, providing the means to perpetrate atrocities.
- Indiscriminate attacks on civilian infrastructure while targeting anti-military strongholds.
- Increasing desperation of the junta to quell armed resistance and the effects of Operation 1027.

NECESSARY ACTION

The UNSC should impose a comprehensive arms embargo and targeted sanctions on Myanmar and refer the situation to the ICC. China, Russia, India and others must halt weapons transfers to Myanmar's military. All UN member states, regional organizations and the UNSC should impose economic sanctions on Myanmar's oil and gas sector and block the military's access to aviation fuel. Foreign companies should immediately divest and sever ties with all businesses linked to the military.

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



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

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

Since then, Nicaragua has been experiencing an unprecedented human rights crisis. 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 leaders, students and academics, business owners and political opponents. Various government structures are committing widespread human rights violations and abuses that may amount to crimes against humanity, including murder,

imprisonment, torture, sexual violence, deportation and politically motivated persecution.

The GHREN has warned that violations, abuses and crimes are committed to dismantle opposition efforts, as well as to discourage any new social mobilization. This has been exemplified by the systematic crackdown on civic space, which has resulted in the forced shut down of nongovernmental organizations (NGOs) and independent media outlets and the prosecution of independent journalists on charges of hate crimes and terrorism. Official numbers provided by local rights groups, the GHREN and OHCHR suggest that over 3,000 NGOs have been forcibly shut down since December 2018, with more than half since September 2022 alone. Several universities have also had their legal status canceled. Dozens of government critics also remain arbitrarily detained under what the GHREN has determined is a state policy. The Catholic Church, which was invited to mediate a national dialogue following state-led violence in 2018, has 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.

State-led repression, targeted persecution and patterns of serious human rights violations and abuses have become more sophisticated over time. 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. Repression also expands beyond the country's border, including through the deprivation of nationality, forced deportations and the prohibition of family reunifications.

RECENT DEVELOPMENTS

In a report dated 28 February 2024 the GHREN warned that the situation has continued to deteriorate over the past year as patterns of repression have expanded toward all segments of society, including university students, members of the Catholic Church and Indigenous Peoples of African descent, among others. According to the experts, "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." The GHREN previously warned that patterns of attacks against universities, students and professors may constitute the crime against humanity of persecution on political grounds.

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 in what residents described as "the last pending issue of the government to impose absolute control over all authorities in Nicaragua."

ANALYSIS

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. Civic space has been under systematic attack and no independent media outlet can operate within the country. In the absence of an independent national judicial system, domestic avenues to ensure redress for victims of state-led violence remain elusive.

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

Nicaragua's isolation from regional and international institutions helps facilitate the commission of atrocity crimes. Since the expulsion of OHCHR and IACHR in 2018, no independent human rights monitoring body has been able to access the country. Ongoing investigations and public reporting by the GHREN remain crucial to ensure international scrutiny of the deteriorating crisis 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, US, Canada and others.

RISK ASSESSMENT

- Tactics utilized by the Ortega administration to maintain absolute power facilitates systematic violations and abuses.
- Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors limits public scrutiny of the government and enables ongoing persecution.
- Lack of cooperation by Nicaraguan authorities with international and regional human rights mechanisms creates significant protection gaps for populations at risk.
- Instrumentalization of the judicial system facilitates the persecution of actual or alleged opponents and perpetuates impunity.
- 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 arbitrary detained individuals. The government should commit to full and meaningful cooperation with regional and international human rights monitoring mechanisms. All human rights violations and abuses should be independently investigated and those responsible held accountable, including at the highest level of government.

UN member states should utilize the evidence collected by the GHREN to pursue accountability for victims, including through universal jurisdiction, and strengthen and expand a robust individual sanctions regime against perpetrators at the highest level within the government. 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, should intensify efforts to ensure a coordinated, consistent and holistic response to the crisis which prioritizes human rights protection and democratic reform, in consultation with Nicaraguan civil society.



NIGERIA

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

BACKGROUND

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

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

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

In northern Nigeria, armed extremist groups, notably Boko Haram and splinter groups like the so-called Islamic State in West Africa (ISWA), have perpetrated mass atrocities against civilian and military targets. 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. Despite the AU authorizing the Multinational Joint Task Force in 2015 to combat extremism, the threat persists. More than 35,000 people are estimated to have been killed as a result of Boko Haram attacks between 2009 and 2020. Their tactics include suicide bombings, abductions, torture, rape, forced marriages, recruitment of child soldiers and attacks against government infrastructure, traditional and religious leaders and civilians.

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

On 11 December 2020 the Chief Prosecutor of the ICC announced the completion of a preliminary examination into the situation in Nigeria, concluding that there is reasonable basis to believe that Boko Haram and Nigerian security forces have committed war crimes and crimes against humanity. During an official visit to Abuja from 19-22 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

Since the start of 2024 civilians have faced intensified violence across Nigeria, and near-daily attacks by armed groups resulting in kidnappings and other abuses against civilians. From 23-24 January at least 30 people were killed in clashes between herder and farmer communities in several villages between the Mangu and Barkin Ladi local government areas in Plateau State. Since January at least 580 civilians have been kidnapped in incidents across several states. In two of the most significant instances, on 29 February at least 200 people, mainly women and girls, were abducted in northeastern Borno State and on 7 March armed bandits surrounded a government-owned school in the town of Kuriga, Kaduna State, and kidnapped 287 students.

On 5 April gunmen killed at least 21 villagers in Kogi State in clashes between herders and farmers. The attack was reportedly a reprisal by Fulani herders after the villagers had killed six of them three days prior.

ANALYSIS

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

Violence between herders and farmers has increased over the past decade as population growth has led to an expansion of the area dedicated to farming, leaving less land available for open grazing by nomads’ cattle. In Nigeria’s Middle Belt states, the majority Muslim north meets the predominantly Christian south. Competition over land use is particularly intractable in this area 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 ethnic Fulani herdsman 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, livelihoods and cultural or religious symbols.
- Multiple security crises caused by a proliferation of armed groups, criminal gangs and armed extremist groups.
- Climate and weather extremes causing increased competition over and exploitation of scarce resources.
- Increased politicization of identity, past events or motives to engage in violence.
- Lack of awareness and training on IHRL and IHL for military forces, irregular forces and non-state armed groups.

NECESSARY ACTION

While the lack of adequate military protection for vulnerable populations needs to be urgently addressed, social initiatives and political reforms remain crucial for confronting the root causes of conflict, including poor governance, corruption, poverty, youth unemployment, 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 improve coordination to develop a common strategy that addresses ongoing protection issues.

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

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



SUDAN

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

BACKGROUND

On 15 April 2023 violent clashes broke out between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). In their fight to preserve and expand control, both parties have perpetrated indiscriminate and deliberate attacks against civilians and civilian objects, often with rocket shells, bombardments and heavy artillery, that amount to war crimes and crimes against humanity. ACLED has recorded over 1,400 violent events targeting civilians across the country since the war began. The brutal and widespread use of sexual violence, including rape, sexual assault, exploitation and sexual slavery has been reported.

The RSF have utilized the conflict to also launch a systematic campaign of ethnic cleansing and large-scale attacks targeting non-Arab communities, particularly the Massalit, in various parts of the country. Dozens of cities, towns and villages have been fully or partially destroyed across Darfur. Mass graves have been identified in El Geneina and Misterei, West Darfur. The UNSC-mandated PoE estimates that between 10,000 and 15,000 civilians were killed by the RSF and allied militia in El Geneina from April to June 2023.

Access to food, medical care and other essential services has been severely disrupted and restricted while targeted attacks and the looting of humanitarian supplies have left civilians without access to life-saving support. Nearly 25 million people urgently need humanitarian assistance and, according to OCHA, almost 5 million people are at risk of catastrophic hunger in the coming months. During February the SAF was accused of prohibiting and obstructing cross-border humanitarian aid and assistance from reaching vulnerable communities in RSF-

controlled areas. According to the IOM, over 6.6 million people have been internally displaced and an additional 2 million have fled to neighboring countries since April 2023.

Strong condemnation and diplomatic efforts by the AU, Intergovernmental Authority on Development (IGAD) and various countries, including Saudi Arabia, Egypt, South Sudan and the US, have yielded limited results. Despite the fighting, on 16 November the military authorities requested the immediate termination of the UN Integrated Transition Assistance Mission in Sudan. On 20 January Sudan suspended its membership with IGAD. The UN Secretary-General has appointed a Personal Envoy for Sudan while IGAD has appointed a Special Envoy.

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

RECENT DEVELOPMENTS

Violence has dramatically escalated across North Darfur, posing an imminent threat of atrocities to civilian populations. Since April indiscriminate airstrikes and the deliberate targeting of communities in and around El Fasher has led to civilian deaths and the destruction of towns and villages. Open source and remote sensing data have confirmed arson attacks by the RSF, as well as artillery bombardments and airstrikes by the SAF. Reports claim that the RSF has encircled the city and blocked supply routes, controlling major roads and junctions surrounding El Fasher. On 22 May the RSF deliberately attacked and entered the Abu Shouk displacement camp and allegedly beat, tortured and extrajudicially detained civilians. El Fasher is the only capital in Darfur not controlled by the RSF and is home to large Zaghawa, Masalit, Fur and other non-Arab populations. Various senior UN officials have raised alarm and expressed concern about the escalation of violence and imminent attack on El Fasher.

Despite a UNSC resolution adopted on 8 March calling for an immediate cessation of hostilities during the month of Ramadan, fighting continued unabated between the RSF and SAF. According to the El Hasahisa Resistance Committee, the RSF killed at least 43 people in a series of attacks on 28 villages in El Gezira state during the first five days of Ramadan.

ANALYSIS

Since former President Bashir was ousted, General Burhan and General Hemedti have consistently obstructed Sudan’s political transition to preserve and expand their power and privileges. Both continued to recruit forces along ethnic lines and strengthen relationships with regional powers, including several Gulf states. 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.

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

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

RISK ASSESSMENT

- Political instability caused by abrupt or irregular regime change and widespread mistrust in state institutions.
- Humanitarian and human rights crisis caused by armed confrontation between the SAF and RSF, 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

General Burhan and General Hemedti must agree to a permanent cessation of hostilities and ensure adherence to IHL and IHRL by all forces under their command. In addition to ceasefire negotiations, the international community must assess the risk of further atrocities, including evaluating which communities are at imminent risk, and determine appropriate response.

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

The UNSC, AU, 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. Regional and sub-regional organizations, as well as the UNSC, must explore all options for civilian protection, including under Chapter VII and VIII of the UN Charter, to establish and maintain a permanent ceasefire and ensure humanitarian access. The UNSC must also 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. States should urgently consider targeted sanctions against General Burhan and General Hemedti, including freezing personal bank accounts, as well as the accounts of companies to which they are connected.



SYRIA

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

BACKGROUND

Since March 2011 the government and opposition groups in Syria have engaged in an armed conflict. The protracted crisis has its roots in President Bashar al-Assad government's brutal suppression of protests in 2011, which quickly devolved into an internationalized country-wide conflict characterized by rampant atrocity crimes, including the illegal use of chemical weapons. During the conflict, Syrian government forces have been bolstered by Russian airstrikes, which commenced in September 2015. Since the start of the conflict at least 580,000 people have been killed, including an estimated 306,887 civilians who died from 1 March 2011 to 31 March 2021, according to the most recent civilian casualty figures from OHCHR. Nearly 13 million people have been displaced, including 6.7 million Syrian refugees.

Throughout areas under its control, the government systematically perpetrates arbitrary arrests, torture, enforced disappearances and deaths in detention. In areas previously held by the opposition, the government is imposing arbitrary restrictions on freedom of movement and depriving individuals of their property, which the HRC-mandated Col on Syria alleges may amount to the war crime of collective punishment. Meanwhile, armed groups, like the Syrian National Army (SNA) and other Turkish-backed groups, perpetrate torture, ill-treatment, systematic looting and arbitrary detention. The armed extremist group Hay'at Tahrir al-Sham also perpetrates abuses, including arbitrarily detaining activists and journalists and torture and ill-treatment in detention.

The Col has reported more than 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, coordinating

under the Truth and Justice Charter, on 29 June 2023 the UN General Assembly (UNGA) established the Independent Institution on Missing Persons in Syria, mandated to clarify the fate and whereabouts of all missing persons in Syria and provide support to victims, survivors and their families.

Syrians suffer from hostilities and unrest along multiple regional frontlines, including across southern, northwest and northeast Syria. In northwest Syria, including in Idlib governorate, ground fighting, shelling and airstrikes have continued despite a ceasefire that has been in place since March 2020. Elsewhere in northern Syria, hostilities and strikes between the SNA and Syrian Defense Forces (SDF) have escalated. IEDs, indiscriminate shelling and airstrikes killed and wounded hundreds of civilians throughout 2023.

In 2014 the so-called Islamic State of Iraq and the Levant (ISIL) declared a caliphate across Iraq and Syria and perpetrated widespread abuses against civilians until the group was militarily defeated in their last territorial stronghold in 2019. Tens of thousands of people, mainly women and children, remain trapped in squalid detention camps run by the Kurdish-backed SDF. The CoI has reported that the conditions may amount to cruel or inhuman treatment and may constitute the war crime of outrage upon personal dignity, while the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has reported that the indefinite detention of children with no legal process likely amounts to fundamental breaches of the rights of the child under international law.

The grave situation across Syria is partly a consequence of the inability of the UNSC to hold perpetrators accountable. Since 2013 the UNSC has passed 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 on Syria and Russia has independently vetoed an additional eight, systematically shielding Syria from international accountability measures.

To close the accountability gap, on 21 December 2016 the UNGA voted to establish an International, Impartial and Independent Mechanism to assist in the investigation and prosecution of perpetrators of atrocities in Syria. Several countries have initiated proceedings or convicted suspected Syrian perpetrators under universal jurisdiction. On 8 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 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 and guarantee the preservation of any relevant evidence.

RECENT DEVELOPMENTS

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

Hostilities also intensified in the northeast in the fall of 2023, displacing tens of thousands of civilians and impacting civilian infrastructure. Attacks by ISIL have also increased in central Syria, targeting civilians in urban areas. In February OHCHR reported that all parties to the conflict are subjecting civilians trying to return to Syria to arbitrary detention, torture and ill-treatment, sexual and gender-based violence, enforced disappearance and abduction.

ANALYSIS

For over a decade the government of Syria, its allies and armed opposition groups have all perpetrated countless attacks on civilians and civilian infrastructure, blatantly disregarding international law. Government forces have committed murder, torture and sexual violence as a matter of state policy. All parties to the conflict continue to commit acts that may amount to war crimes and crimes against humanity. Ongoing violations of various ceasefire agreements greatly increase the risk of recurrence of large-scale conflict. 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, as well as widespread and systematic human rights violations. The Syrian government and other parties to the conflict continue to perpetrate detention and disappearance as a strategy to control and intimidate civilians, confirming ongoing patterns of crimes against humanity and war crimes. Despite the ICJ provisional measures order, the Syrian government continues to perpetrate enforced disappearance, torture and ill-treatment against detainees and to 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 internally displaced persons, returning refugees and minorities.
- Inability or refusal to address the situation of those missing and disappeared, as well as the continued commission of enforced disappearances and associated violations and abuses by all parties to the conflict.
- Limited government cooperation with international mechanisms.

NECESSARY ACTION

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

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

UN member states must ensure the Independent Institution on Missing Persons in Syria receives sufficient resources to 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

Since 24 February 2022, when Russian Armed Forces invaded Ukraine, cities and towns across the country have been bombarded with indiscriminate explosive weapons. The HRC-mandated Col on Ukraine has documented evidence of war crimes committed against the civilian population by Russian forces, including indiscriminate attacks, torture and sexual and gender-based violence. The UN has verified more than 10,946 civilian deaths since the start of the conflict while emphasizing that there are likely thousands of unverified casualties. The conflict has caused a massive humanitarian crisis, displacing at least 10 million people, including more than 6.3 million who fled to neighboring countries.

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. The World Health Organization has verified over 1,773 attacks on healthcare since February 2022. Russian forces have bombed and pillaged historical and religious sites, and the UN Educational, Scientific and Cultural Organization has verified damage to at least 351 cultural sites. Since Russia suspended its participation in the Black Sea Grain Initiative on 17 July 2023, Russian forces have carried out a series of attacks on Ukraine's port and shipping infrastructure, destroying facilities and hundreds of thousands of metric tons of grain destined for export.

In areas under their control, Russian forces have perpetrated grave abuses that may amount to war crimes, including killings,

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

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

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

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

RECENT DEVELOPMENTS

Since late December daily Russian air and drone strikes have taken an increasing toll on Ukraine's civilians. On 15 March 2024 a series of Russian missiles struck civilian infrastructure

in Odesa, killing at least 20 people and injuring at least 73 others in a so-called "double tap" attack that also killed and injured seven emergency responders. The HRMMU verified that at least 604 civilians were killed or injured in March, a 20 percent increase from February. This includes at least 57 children, making March the deadliest month for children in Ukraine since July 2023. Since 10 May a new Russian offensive in the northeastern Kharkiv region has killed at least 45 civilians and forced thousands to evacuate.

On 5 March the ICC issued arrest warrants for Lieutenant General Sergei Kobylash of the Russian Armed Forces and Admiral Viktor Sokolov of the Russian Navy for the war crimes of directing attacks at civilian objects and causing excessive incidental harm to civilians, as well as the crime against humanity of 'inhumane acts.'

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

ANALYSIS

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

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

RISK ASSESSMENT

- Failure to adequately halt and address violations of IHL and IHRL in eastern Ukraine since at least 2014.
- Russia's pattern of violence against civilians, their property, livelihoods and cultural symbols and blatant disregard for IHL.
- Large-scale airstrikes and use of long-range weapons by Russian forces and counteroffensive by Ukrainian forces.

- 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 during the conflict must be transparent and respect international standards of due process and proportionality.

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



VENEZUELA

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

BACKGROUND

Following years of endemic corruption and the gradual erosion of the rule of law and democratic space, in 2014 mass protests erupted in Venezuela in response to insecurity, hyperinflation and a lack of essential services. Security forces reacted with disproportionate force, torture and sexual violence. Since then, the Venezuelan government under President Nicolás Maduro, including its security and intelligence apparatus, has perpetrated systematic arbitrary detention, torture and ill-treatment,

sexual and gender-based violence and short-term enforced disappearances targeting actual and perceived opponents. Various security forces have also allegedly perpetrated tens of thousands of extrajudicial killings in the name of combating crime, predominantly targeting men between 18 and 30 years-old living in low-income neighborhoods.

In 2019 the HRC authorized the creation of an independent FFM on Venezuela. The FFM has established 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.” The government refuses to cooperate with the FFM.

Venezuelan civil society platform HumVenezuela warned that the multidimensional crisis has left an estimated 19 million Venezuelans inside the country in need of assistance. Almost 8 million people have left the country since 2014. Communities across Venezuela are also 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.

Several governments, including Canada and Switzerland, have enforced an extensive individual sanctions regime. Since 2017 the EU has maintained sanctions against more than 50 senior officials and recently lifted measures against the President of the National Electoral Council (CNE) and other CNE officials as an incentive to allow for a European Electoral Observation Mission. The US government has also imposed targeted sanctions against the Venezuelan government, as well as broader sectoral sanctions that have exacerbated the country's pre-existing complex humanitarian emergency.

RECENT DEVELOPMENTS

On 17 October 2023 the government and groups of opposition parties announced the signing of the Barbados Agreement, which includes an electoral roadmap ahead of presidential elections scheduled for 28 July 2024. While the agreement provided an important opportunity to advance minimum electoral guarantees, government repression has continued to rapidly intensify, with the FFM reporting increased selective repression targeting civil society organizations, trade and labor unionists, independent media, as well as political opponents and their families. As part of a strategy to harness fear and self-censorship among independent voices, since January 2024 the government has announced plans to expedite the adoption of several draft legislations which would further close civic space and facilitate the criminalization of actual or alleged opponents. On 20 March the FFM warned that authorities have reactivated “the most violent form of repression” aimed at silencing

opposing voices at any cost. Venezuelan NGO Provea recorded 230 attacks against human rights defenders in February alone.

On 26 January the Supreme Court upheld a ban on the leading presidential opposition candidate María Corina Machado amidst ongoing harassment and threats against political opponents. In late March the CNE refused the registration of her chosen replacement candidate. On 21 April the main opposition coalition confirmed Edmundo González's candidacy; however, it remains unclear whether the government will allow him to participate in the vote.

On 30 April the UN Working Group on Enforced or Involuntary Disappearances warned that opposition members and the military are the primary targets of an alarming rise of enforced disappearances this year, which "appear to follow a pattern whereby individuals are deprived of their liberty by State authorities, taken to recognized detention facilities and denied fundamental rights and protections."

Despite initially agreeing to expand the presence of OHCHR, on 15 February the government demanded the withdrawal of its staff within 72 hours. In late April, President Maduro announced his intention to invite OHCHR to return to Venezuela, should both parties be able to "overcome their differences and conflict."

On 24 April 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." On 1 March the ICC Appeals Chamber rejected Venezuela's appeal against a previous assessment by the Court that concluded its domestic investigations are insufficient.

ANALYSIS

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

Increasing engagement with the ICC and, until recently, OHCHR highlights that the Venezuelan government has been receptive to multilateral pressure. However, no structural changes have been implemented to the country's judiciary, intelligence or security sector and state actors continue to perpetrate systematic abuses.

Human rights organizations have warned for over two years that presidential and general elections in 2024 and 2025 pose a severe risk of intensifying government repression, similar to previous voting cycles. Increasing targeted persecution, attacks against civic space and a systematic campaign against political opposition, are early warning signs of a deteriorating situation and possible recurrence of atrocity crimes. The suspension of

OHCHR has resulted in protection gaps for affected communities across the country.

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

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, as well as impunity for or tolerance of serious violations of international law, including atrocity crimes.
- Adoption of measures to criminalize civil society organizations and attacks against democratic institutions and electoral guarantees, particularly ahead of scheduled elections.
- Absence of accountable state authority, presence of non-state armed actors and high levels of crime, corruption and illicit economic exploitation in large parts of the country.
- Political motives to continue systematic repression aimed at consolidation of power.

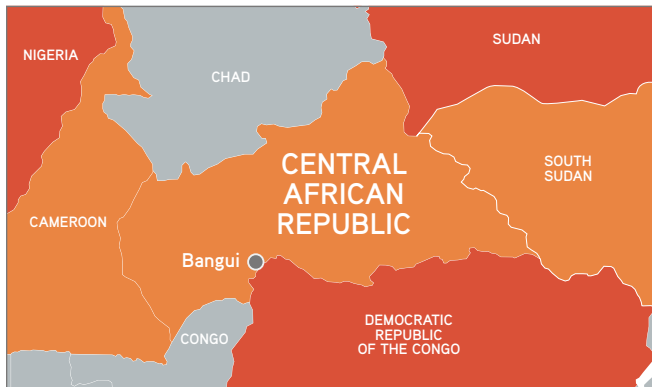
NECESSARY ACTION

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

Regional actors should leverage diplomatic and political pressure on the Maduro government to encourage the reversal of repressive policies. At the HRC's 57th session, UN member states should adopt a resolution renewing the FFM in full. Cross-regional governments should also push for the return of effective OHCHR presence in Caracas without concessions on its existing protection and reporting mandate.

Latin American governments, the EU, Canada and US should revitalize efforts to build a common roadmap for political engagement with Venezuela which prioritizes human rights protections, accountability and humanitarian relief, while

focusing on prevention and mitigation strategies in relation to intensifying targeted repression. The international donor community should expand their support for civil society organizations documenting human rights violations and providing humanitarian relief to populations in need.



CENTRAL AFRICAN REPUBLIC

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

BACKGROUND

During December 2020 a loose alliance of predatory armed groups, known as the Coalition des patriotes pour le changement (CPC), launched a violent offensive against the government of the Central African Republic (CAR). For more than three years the CPC and other armed groups have perpetrated violent attacks, 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). The Central African Armed Forces (FACA) – working closely with Russian security partners, including mercenary fighters from the Wagner Group (now Africa Corps) – have responded with counteroffensives, forcing armed groups to withdraw from major cities.

OHCHR reported that two CPC-affiliated armed groups, including the Unité pour la paix en Centrafrique (UPC), have perpetrated systematic and widespread conflict-related sexual violence, including rape, gang rape and sexual slavery. Some armed groups frequently use or lay landmines and explosive ordnance, particularly in the west and northwest. According to the UN Secretary-General, the number of child casualties due to explosive ordnance increased by 280 percent between July 2021-June 2023.

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 forced disappearances. According to ACLED, Russian mercenaries have reportedly killed over 900 civilians, making them the armed actor that has killed the most civilians in CAR since December 2020.

During March 2023 the Azande Ani Kpi Gbe (AAKG), a predominantly ethnic Azande armed group, emerged in Haut-Mbomou. Throughout the past year the AAKG has sporadically clashed with the UPC, a predominantly Fulani armed group and has forcibly recruited Azande youth and targeted Fulani and Muslim communities with threats and abductions. Ethnic and religious minorities, particularly Fulani and Muslims, have also 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.

Government institutions have cracked down on human rights defenders, independent media and the opposition in recent years. MINUSCA has recorded cases of hate speech and incitement targeting ethnic and religious communities and against dissenting voices. At times such discourse has resulted in intimidation, threats and acts of violence. In March 2024 authorities arrested prominent opposition leader Mboli Goumba and sent him to a police unit notorious for perpetrating abuses, including torture and executions. On 27 March Goumba was sentenced for defamation and contempt of court.

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) has charged 45 people for war crimes and/or crimes against humanity while at least 25 cases remain under investigation. In April the SCC publicly issued an arrest warrant against François Bozizé – who is living in Guinea Bissau – on multiple counts of crimes against humanity committed during his presidency.

RECENT DEVELOPMENTS

Armed group activity and routine IHL violations and human rights abuses continue, particularly in remote and border areas. The UN Committee on the Elimination of Discrimination against Women has raised concern about the disproportionate risk of

extrajudicial killings, displacement and forced disappearances for rural women, while in April the UN Special Representative on Sexual Violence said women and girls tending to farmland face the persistent risk of rape by armed actors.

The AAKG and UPC have launched renewed attacks in Haut-Mbomou since February, increasingly targeting civilians along ethnic and religious lines. Between 2-13 April more than 30 civilians were killed by armed groups in Ouham-Pendé, Mbomou and Haut-Mbomou. During May MINUSCA deployed peacekeepers to Bamhouti to protect civilians following a series of clashes between the AAKG and UPC that resulted in civilian casualties.

In March Russian mercenaries carried out several attacks on mining sites in Ouham, allegedly killing 60 civilians and forcing survivors to carry looted goods and gold. According to ACLED, civilian targeting by mercenaries in March reached the deadliest level recorded since February 2022. In March the government confirmed the deployment of “Russian instructors” to support FACA in Obo, an isolated town in Haut-Mbomou, raising fears among community members. Mercenary operatives and FACA have reportedly trained AAKG fighters in Obo.

ANALYSIS

The security situation remains precarious in certain areas amid heightened inter-communal tensions and recurrent attacks on civilians. The presence of explosive ordnance primarily harms civilians and impedes the delivery of humanitarian aid.

The targeting of ethnic and religious communities and hate speech heighten atrocity risks and may trigger further violence along communal, religious and ethnic lines. Renewed attacks by the UPC and AAKG, as well as the alleged training of AAKG fighters, risks further inflaming inter-communal tensions in Haut-Mbomou and raises critical human rights concerns.

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

Competition for control of profitable minerals has resulted in abuses against civilians. Wagner operatives, who have a record of alleged abuses in conflict zones around the world, have committed human rights abuses and targeted civilians as they increase their control of mining areas.

RISK ASSESSMENT

- Ongoing security crisis caused by, among other factors, defection from a peace agreement, lack of commitment to a ceasefire and armed activity at mineral-rich areas.

- Acts of violence against vulnerable populations, particularly minority groups, women and children.
- Escalating violence targeting civilians based on ethnicity and religion, increasing likelihood of retaliatory attacks and displacement.
- Training and use of abusive armed groups as proxies.
- Repressive measures imposed by authorities to close civic space and suppress dissent, resulting in a climate of fear ahead of planned local elections in 2024 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. 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, particularly ahead of the planned local elections.

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

All perpetrators of atrocities in CAR should be held legally accountable, regardless of their political status, rank, affiliation or nationality. The government should prioritize accountability by launching and operationalizing all courts intending to address cases of human rights violations and abuses. All suspects subject to SCC arrest warrants – whether in CAR or neighboring countries – should be taken into custody. The international community should ensure that the SCC has sufficient resources to carry out its mandate.



SOUTH SUDAN

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

BACKGROUND

Frequent sub-national clashes in South Sudan threaten populations in various parts of the country. For several years senior political and military leaders have manipulated long-standing enmities between rival ethnic communities, enabling national level political dynamics to spark local conflicts. In several parts of the country, tensions between the two main political parties, the Sudan People's Liberation Movement and the SPLM-In Opposition, over access to resources and political appointments have also culminated in violent clashes and triggered serious human rights violations, including widespread sexual violence, particularly against women and girls.

Some herding and farming communities, who have a history of competing over resources, continue to engage in violent inter-communal clashes, as well as cattle raiding and revenge killings. The increasing scarcity of resources as a result of climate change has exacerbated this fighting. During the last quarter of 2023, the UN Mission in South Sudan (UNMISS) documented 862 victims of inter-communal and political violence, including 406 people killed, 293 injured, 100 abducted and 63 subjected to sexual violence.

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

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

According to OCHA, over 9 million people – more than two thirds of the population – need humanitarian assistance. OCHA has reported that the most vulnerable, including women, children, the elderly and disabled, are bearing the brunt of the prolonged crisis as ongoing clashes exacerbate the humanitarian situation. An estimated 2 million people remain internally displaced and 2.28 million have fled to neighboring countries.

RECENT DEVELOPMENTS

As South Sudan prepares for its first-ever national elections to be held by December this year, significant concerns remain about the country's human rights situation. The HRC-mandated Commission on Human Rights in South Sudan has warned that disappearing civic space and diminished opportunities for civilians to participate in essential democratic processes may give rise to grievances and increase the risk of atrocity crimes.

Concerns also remain regarding South Sudan's electoral preparedness. Despite many delays in holding elections – as mapped in the R-ARCSS – the UN Special Representative of the Secretary-General for South Sudan cautioned that the country is not yet in a position to hold a credible election. Security sector reform and the permanent constitution-making process remain significantly behind schedule. While members of the National Elections Commission (NEC), the Political Parties Council (PPC) and the National Constitutional Review Commission (NCRC) were appointed in November, complaints have surfaced regarding whether their composition is in line with the R-ARCSS. The PPC, NEC and NCRC are also reportedly unfunded and non-operational. In a press release on 20 March the SPLM claimed that other provisions included in the R-ARCSS do not have to be established before holding elections, such as a new census, a permanent constitution and the return of refugees.

During April the UNSC reviewed the conclusions of a UN assessment regarding the country's election preparedness and mandated UNMISS to provide electoral assistance, including support to voter education programs for the prevention and response to election violence.

Meanwhile, violence continues across South Sudan. Additional peacekeepers and urgent patrols were deployed to two conflict hotspots following a surge of inter-communal violence, which

led to a significant number of civilian deaths, the abduction of women and children and mass displacement of vulnerable communities. The violence erupted after armed youth from the Greater Pibor Administrative Area attacked cattle keepers across the border in Kapoeta East County, Eastern Equatoria. In Tambura, Western Equatoria, tensions between communities from different ethnic backgrounds have increased following a series of attacks.

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. Political leaders have continued to focus on the preservation of their personal power, allowing mistrust to reinvigorate ethnic tensions and fuel violence across the country. Delays in reforming the security sector appear to be a deliberate strategy by President Kiir to retain dominance. The disappearance of civic and political space diminishes opportunities for civilians to participate in constitution-making, transitional justice, national elections and other essential democratic processes and may give rise to grievances that become a trigger for atrocity crimes.

The 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.
- Potential upcoming elections as trigger event for atrocity crimes.

NECESSARY ACTION

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

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

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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