



# R2P MONITOR

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

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

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

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

### CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.

### IMMINENT RISK

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

### SERIOUS CONCERN

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

## R2P Monitor:

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

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\* Not covered in this issue.  
See GCR2P [Populations at Risk](#) webpage for update.

## CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



## SYRIA

*Populations in Syria continue to face crimes against humanity perpetrated by the state security forces.*

### BACKGROUND

Under the direction of President Bashar al-Assad, Syrian security forces' use of tanks, artillery and other heavy weapons against centers of anti-government protest has continued for fourteen months. Protracted violence against civilians has included the mass deployment of troops and paramilitary "shabiha," the use of snipers and the indiscriminate firing of live ammunition to terrorize and suppress political opposition. The UN High Commissioner for Human Rights has reported that Syrian authorities have also systematically detained and tortured children.

The UN Human Rights Council (HRC)-mandated independent Commission of Inquiry (CoI) detailed extensive crimes against humanity and determined that this "widespread and systematic pattern of gross violations committed by State forces" demonstrated that Syria has "manifestly failed in its responsibility to protect its people."

The UN reported death toll has remained at 9,000 since 27 March, while the Council of Europe estimates the current death toll to be over 11,000 people. As of mid-April, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that 55,000 Syrian refugees had fled to neighboring countries, while 230,000 Syrians remained internally displaced by the violence. At least one million Syrians are in need of humanitarian assistance according to the 29 March report of an assessment mission carried out by the UN and the Organization of Islamic Cooperation.

The Syrian government has consented to peace plans twice. Reneging on a November 2011 agreement signed with the League of Arab States (Arab League), state-sanctioned violence increased dramatically in areas regarded as opposition strongholds. On 27 March President Assad

agreed to a six-point peace plan proposed by the Joint UN-Arab League Special Envoy, Kofi Annan. The plan stipulated the implementation of a ceasefire by 10 April, withdrawal of troops and tanks from cities, provision of humanitarian assistance to besieged civilians and initiation of a political negotiation process led by Syrians. In the weeks leading up to the deadline, security forces again escalated the scale and intensity of violence against perceived centers of protest.

On 12 April violence temporarily decreased throughout the country as security forces observed an extended ceasefire deadline. Two days later the UN Security Council (UNSC) adopted its first resolution on Syria, condemning the violence and authorizing the deployment of a small, preliminary observer team. On 21 April the UNSC established a larger 90-day UN supervision mission (UNSMIS) to monitor the ceasefire and the implementation of the six-point plan.

Security forces have continued attacks, some immediately following the departure of UNSMIS observers. On 8 May Annan briefed the UNSC and described the ceasefire violations, ongoing abuses and level of violence as "unacceptable." As of 15 May the full 300-member team has not been deployed and President Assad continues to restrict access for observers.

Internal opposition groups have also increased retaliatory attacks against security forces and "shabiha." Human Rights Watch has reported that some armed opposition groups have committed human rights abuses against Alawite Shia communities due to their perceived support for the government.

### ANALYSIS

President Assad continues to utilize the security forces and Syria's dwindling financial resources to retain power at all costs.

There is broad international consensus that Annan's six-point plan represents the final opportunity to broker a peaceful solution to the conflict. The "Friends of Syria," a group of more than 80 states and regional organizations that was formed following China and Russia's second UNSC resolution veto, have endorsed the Annan peace plan. However, individual states within the group have also started providing political and material support to the opposition Free Syria Army (FSA). In addition, Saudi Arabia and Qatar have advocated for arming the opposition, raising the possibility of a civil war that would put populations at even greater risk of further mass atrocity crimes.

The success of UNSMIS hinges upon its full deployment throughout Syria, which the denial of access and increasingly violent conditions are preventing.

Refugee flows and growing threats of the conflict spilling across borders have intensified tensions between Syria and its neighbors. Turkey, which houses approximately 25,000 registered Syrian refugees and the leadership of the opposition FSA, has indicated a potential willingness to intervene to protect civilians.

While the political leadership of Syrian opposition groups is dominated by the Sunni majority, these groups have varied goals and remain largely independent of one another. The Syrian National Council (SNC) has become the main interlocutor with the international community despite its contested claim to speak for the opposition. The FSA has been unable to demonstrate an ability to work under unified leadership.

Threats to the safety and security of Alawites, Kurds, Christians and other minorities complicate the prospects for a peaceful resolution of the conflict.

External political influence upon the Syrian government via the UN and regional actors is weak. Several western and Arab countries have imposed oil embargoes and asset freezes in order to encourage defections from the predominantly Alawite military and business elite. Such measures require time to take effect and have so far had minimal success.

Syria's few remaining allies have provided crucial insulation from sanctions. Russia continues to supply Syria's government with arms, while Venezuela has shipped fuel to help circumvent the effects of sanctions. Iran has warned the international community against intervening in Syria.

The government of Syria has not only failed to uphold its Responsibility to Protect, it bears primary responsibility for the ongoing commission of crimes against humanity.

### INTERNATIONAL RESPONSE

Following the outbreak of violence in March 2011, the international community responded by censuring the regime for its widespread violations of human rights. [See GCR2P's [Timeline of International Response to the Situation in Syria](#).]

The UN General Assembly (UNGA) passed two resolutions condemning the violence in Syria and supporting the Arab League plan. The HRC has adopted four resolutions, including mandating the independent Col to investigate reports of human rights abuses. The latest resolution, on 22 March 2012, made explicit the Syrian government's failure to meet its Responsibility to Protect its population.

On 23 February UN Secretary-General Ban Ki-moon announced the appointment of Kofi Annan as the UN-Arab League Special Envoy, with a mandate to promote a peaceful political solution to the crisis. On 21 March a UNSC Presidential Statement expressed grave concern at the deteriorating situation and affirmed the UNSC's continued support for Annan's mission.

Four resolutions on Syria have been put to a vote at the UNSC. Following two successive vetoes by Russia and China, the UNSC passed Resolution 2042 on 14 April condemning the violence and establishing a preliminary team of 6 ceasefire monitors. On 21 April the UNSC passed Resolution 2043, which established UNSMIS.

The "Friends of Syria" have met three times to consider options for collective international action. The group has recognized the SNC and collectively pledged over \$100 million dollars for non-lethal material support to the opposition. During their meeting on 19 April, the "Friends of Syria" backed the Annan plan as the "last hope" to peacefully resolve the Syrian crisis, while suggesting the need to pursue other options should it fail.

### NECESSARY ACTION

The Syrian government must adhere to the Annan plan. The international community should provide full and unified support to Annan's mission and UNSMIS.

The UNSC should authorize the addition of human rights monitors and use all available resources to immediately deploy monitors to the most vulnerable areas in Syria. The UNSC must impose an arms embargo and authorize targeted sanctions against those within, or associated with, the Syrian government who are responsible for mass atrocity crimes. It should also immediately refer the situation to the ICC for investigation.

The UNGA and UN HRC should consider further diplomatic action highlighting ongoing mass atrocity crimes in Syria.

The international community and all members of the opposition must ensure the safety of Syrian minorities, and should enhance inclusive messaging to those communities.

### MORE INFORMATION:

- » [HRC Report A/RES/19/69](#), 22 February 2012
- » [UNSC Presidential Statement 2012/6](#), 21 March 2012
- » [HRC Resolution 19/L.38/Rev.1](#), 22 March 2012
- » [UNSC Resolution S/RES/2042](#), 14 April 2012
- » [UNSC Resolution S/RES/2043](#), 21 April 2012
- » [GCR2P Populations at Risk: Syria](#)



## SUDAN

*Crimes against humanity and war crimes continue to be perpetrated by the Sudanese Armed Forces in the Republic of Sudan states of South Kordofan and Blue Nile. Military confrontation between the Republic of Sudan and the Republic of South Sudan has considerably heightened the threat of mass atrocities to populations in both states.*

### BACKGROUND

For the past eleven months in South Kordofan and eight months in Blue Nile, the Sudanese Armed Forces (SAF) and allied paramilitaries from the Popular Defense Forces (PDF) have been fighting against the Sudan People's Liberation Movement-North (SPLM-N), a rebel group whose members fought alongside their southern counterparts during Sudan's long civil war (1983-2005). The SAF has employed systematic violence, resulting in scores of civilian fatalities and the displacement of more than 151,000 people into South Sudan and Ethiopia. There have been credible reports of the SAF indiscriminately bombing civilian areas and committing extra-judicial killings.

The risk to populations living along the southern border and those fleeing earlier fighting was enhanced following an outbreak of violence on 26 March 2012 between the SAF and the South Sudanese army, the Sudan People's Liberation Army (SPLA). On 10 April the SPLA, with support from the Sudan Revolutionary Front (SRF), an alliance of Sudanese rebel groups, occupied the Heglig oilfields in South Kordofan. Meanwhile, Sudan conducted aerial bombings of civilian areas in Unity State, South Sudan. This confrontation violated a Memorandum of Understanding (MoU) on Non-Aggression and Cooperation signed on 10 February, which sought to end border conflicts between Sudan and South Sudan. The recent violence stems from the failure of Sudan and South Sudan to agree on demarcated borders as well as South Sudan's decision to shut down oil production following a dispute with Sudan over oil transit fees.

Following the occupation of Heglig, Sudan's parliament announced that it would order a general army mobilization and use all legitimate means to regain the area. The parliament also branded the government of South Sudan "an enemy." On 18 April Sudanese President Omar al-

Bashir incited National Congress Party (NCP) supporters to "liberate" South Sudan from the "insects" governing it and rejected the prospect of future negotiations.

On 20 April, after ten days of occupation, the SPLA withdrew from Heglig. Sudan continued air strikes in civilian areas of Unity State, South Sudan, resulting in 16 civilian fatalities and a direct hit on a UN support base in Mayom.

The conflict has continued with both governments recruiting local civilians, supporting proxy forces and amassing troops near the border. Zones of conflict have widened with cross-border incursions reported by officials in South Sudan's Upper Nile and Western Bahr el Ghazal states. President Bashir declared a state of emergency on 29 April in South Kordofan, White Nile and Sennar.

Southerners in Sudan, who have been stripped of their citizenship following the expiration of the "citizenship transitional period" on 9 April, also remain vulnerable to attack. On 21 April the Sudan Evangelical Presbyterian Church in Khartoum, frequented by southerners, was attacked by a mob of Islamic extremists, highlighting the increasingly sectarian atmosphere.

The recent buildup of security and militia forces near the Abyei region has also threatened a relapse into serious conflict as previously witnessed during May 2011. The presence of the UN Interim Security Force for Abyei (UNISFA) has mitigated some of the risk of renewed violence. As of 15 May South Sudan had withdrawn all security forces from Abyei while the SAF had yet to leave the area.

The volatile situation in Darfur also continues to pose a serious threat to civilians. The UN reported SAF aerial bombardments in North Darfur on 1 April. On 17 April armed groups, including the Sudan Liberation Army-Abdel Wahid (SLA-AW) and the Justice and Equality Movement (JEM), attacked three towns in southern Darfur. On 20 April, a UN peacekeeper was killed in West Darfur. The SRF, led by the SLA-AW and the SLA-Minni Minawi, launched a coordinated attack on 8 May seizing the city of Gereida in South Darfur and killing a number of SAF soldiers before withdrawing.

### ANALYSIS

The government of Sudan has a history of perpetrating mass atrocity crimes in Darfur and during its civil war with the south. Similar tactics are currently being employed in South Kordofan and Blue Nile. Members of the JEM and the SPLM-N have also perpetrated war crimes in the past.

The possibility of a wider conflict heightens the risks to civilians in both Sudan and South Sudan and diminishes the likelihood of a resolution to the conflict in South Kordofan and Blue Nile. A UN-African Union (AU)-Arab League tripartite proposal to permit humanitarian access to South Kordofan and Blue Nile has yet to be formally accepted by Sudan.



China and members of the Arab League, who have major investments in Sudan and South Sudan, can potentially influence both governments' behavior. Provocative moves, such as South Sudan's occupation of Heglig and Sudan's continued aerial bombardment of Unity State, have put populations along the border of both countries at imminent risk of mass atrocity crimes.

Crimes against humanity continue to be committed with impunity in South Kordofan and Blue Nile, demonstrating Sudan's failure to uphold its primary Responsibility to Protect.

### INTERNATIONAL RESPONSE

Sudan has been the subject of various UNSC resolutions (eight in 2011 and two in 2012) and President Bashir has been indicted by the ICC for war crimes, genocide and crimes against humanity in Darfur. UN peacekeeping missions currently exist in Darfur (UNAMID – joint mission with the AU) and in Abyei (UNISFA). [For responses prior to March 2012, see GCR2P's [Timeline of International Response to the Situation in South Kordofan and Blue Nile States](#).]

The AU and the Arab League have recently undertaken diplomatic initiatives to facilitate humanitarian access to Blue Nile and South Kordofan.

The UNSC issued a Presidential Statement on 6 March 2012 demanding that both Sudan and South Sudan respect the MoU, cease military operations in the border areas and end the cycle of violence.

The UNSC released a Press Statement on 27 March, following clashes in South Kordofan, calling upon both parties to operationalize the Joint Border Verification and Monitoring Mechanism (JBVMM) and deescalate tensions. The UNSC also called for both sides to end support for proxy forces. The AU, United States (US) and European Union (EU) issued similar statements.

On 11 April the AU called upon both sides to halt the violence and for the SPLA to withdraw immediately from the Heglig area. They also demanded the end to Sudanese aerial bombardments of South Sudan. The UNSC reiterated these points in a Presidential Statement on 12 April.

On 24 April the AU Peace and Security Council released a "Roadmap" listing specific steps that both countries must take to resolve tensions. The UNSC passed Resolution 2046 on 2 May endorsing the AU's Roadmap and calling upon both sides to cease all hostilities or face sanctions. The UN High Commissioner for Human Rights condemned Sudan's continued indiscriminate aerial bombardment during a visit to South Sudan on 11 May.

### NECESSARY ACTION

Sudan and South Sudan must desist from further armed provocations. Both parties must respect the MoU and implement the AU Roadmap. Members of the international

community must impress upon both governments the necessity of fulfilling civilian protection obligations.

The UNSC should push the parties to establish a Safe Demilitarized Border Zone and an administrative common borderline to serve as the area of deployment for the JBVMM and UNISFA. Security forces from Sudan must withdraw from Abyei as previously agreed.

The international community should encourage the government of Sudan and the SPLM-N to arrange an immediate ceasefire, allow humanitarian access to South Kordofan and Blue Nile and engage in a meaningful political dialogue. They should also continue to call upon both sides to stop material and political support to proxy armed forces in the other's territory and end the mobilization and recruitment of civilians.

Crimes against humanity and war crimes perpetrated in South Kordofan, Blue Nile, Abyei and Darfur should be thoroughly investigated by a credible and independent body authorized by the UN.

### MORE INFORMATION

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Resolution S/RES/2046](#), 2 May 2012
- » [GCR2P Populations at Risk: Sudan](#)



## DEMOCRATIC REPUBLIC OF THE CONGO

*Crimes against humanity are being perpetrated by state and non-state actors operating in the eastern and north-eastern regions of the Democratic Republic of the Congo.*

### BACKGROUND

Populations in the eastern and north-eastern regions of the Democratic Republic of the Congo (DRC) remain at grave risk of mass atrocity crimes. This stems from deep ethnic and political divisions, a culture of impunity and the ongoing operations of armed groups that prey upon

civilian populations in remote areas. More than 300,000 civilians have fled their homes in the past six months, contributing to the more than 2 million internally displaced persons (IDPs) and hundreds of thousands of refugees in neighboring countries.

Armed groups, namely the Lord's Resistance Army (LRA), the Democratic Forces for the Liberation of Rwanda (FDLR) and Mayi-Mayi militias, have been committing atrocities against populations in North Kivu, South Kivu and Orientale Province for more than a decade. Following instability caused by the November 2011 elections, these groups have increased the frequency and scale of their attacks and committed further mass atrocity crimes.

The UNHCR has documented increased LRA activity in Orientale Province with 13 new attacks, including the killing and abducting of civilians near Dungu, between 6 and 28 March. [See also, [Central Africa: LRA](#) section.]

Since December 2011 the FDLR has carried out attacks in North Kivu and South Kivu, committing atrocities in IDP camps and remote villages, including torturing and killing civilians. In response to violence by the FDLR, the Armed Forces of the DRC (FARDC) launched an offensive during February 2012 in South Kivu. During the military operations, the FDLR raided villages and attacked civilians, resulting in the displacement of thousands of people. On 11 April President Joseph Kabila announced the suspension of all Amani Leo operations against the FDLR in North Kivu and South Kivu.

Populations in this region have started forming armed self-defense groups. One such group, the Raia Mutomboki, have carried out their own retribution attacks against FDLR combatants and their families.

Additional concerns regarding the commission of atrocities emerged in early April when hundreds of ex-members of the National Congress for the Defense of the People (CNDP) defected from the FARDC. During 2009 the CNDP, a group of ethnic Tutsi rebels, was integrated into the FARDC as part of a peace agreement with the government of the DRC. The agreement made their leader, Bosco Ntaganda, a general within the FARDC with command responsibility for forces in the North Kivu city of Goma. Prior to the agreement, during a November 2008 attack, the CNDP massacred civilians in North Kivu.

Ntaganda is wanted by the ICC for war crimes committed during 2002-2003 in Ituri. Following the 14 March ICC conviction of Thomas Lubanga, the international community renewed calls for Ntaganda's arrest. The government of the DRC has failed to apprehend Ntaganda, claiming that his arrest could disrupt the process of integrating CNDP into the FARDC.

Most of the troops who initially defected have since returned to the FARDC, but Ntaganda is still at large

as are the remainder of the defectors. On 29 April the defectors started fighting with FARDC troops and took control of the towns of Mweso, Mushaki and Kitchanga, putting populations throughout the Masisi territory at risk. According to the UNHCR, during the first four days of fighting more than 20,000 people were displaced. On 6 May the FARDC announced that it had retaken two of the towns, but as of 15 May fighting continued.

The Mayi-Mayi militia in Katanga, led by Gedeon Kyungu, has also engaged in major clashes with the FARDC. A Mayi-Mayi attack on FARDC soldiers in early April resulted in the displacement of thousands of civilians, generating further instability in an area with a large number of existing IDPs. Another Mayi-Mayi militia in North Kivu, led by Ntabo Ntaberi Sheka, reportedly allied itself with Ntaganda's forces and took control of several towns in Walikale territory during the final week of April.

## ANALYSIS

The weakness of government structures undermines attempts to prevent atrocities and protect civilians in the DRC. More than ten years of effort towards security sector reform has been slow to produce results. A lack of cohesiveness between members of various former armed groups that have been integrated into the FARDC limits its ability to act as a unified force. In addition, civilians often distrust the ethnically Tutsi CNDP and other minorities within the military, leading to increased militarization as they take up arms to protect themselves from non-state armed groups and the FARDC.

Renewed international calls for the apprehension of Ntaganda has resulted in the splintering of the FARDC, most notably by CNDP defectors loyal to him. Fighting between factions of the Congolese army threatens to further destabilize North Kivu and South Kivu and draws the military's attention away from its protection of civilian responsibilities. The CNDP, FDLR and Mayi-Mayi all have a history of committing crimes against humanity in the DRC. Populations in the areas surrounding Masisi and Walikale territories, where the CNDP and the Mayi-Mayi recently clashed with the FARDC, may face further atrocities.

The FARDC offensive against the FDLR increased insecurity for populations in South Kivu. The operation displaced thousands of civilians in a region that already has more than 600,000 IDPs. Previous FARDC offensives against the FDLR resulted in hundreds of civilian deaths and mass rapes, with many of the crimes allegedly committed by the Congolese army itself. However, the cancellation of operations against the FDLR leaves them free to commit further mass atrocity crimes.

The government of the DRC has struggled to uphold its Responsibility to Protect and in some cases has actually been complicit in crimes against humanity and war crimes.

## INTERNATIONAL RESPONSE

There has been a UN peacekeeping force in the DRC (MONUSCO) for almost ten years. MONUSCO is currently responsible for almost 19,000 uniformed UN personnel and operates under a mandate that will continue until June 2012. MONUSCO has facilitated the reduction in membership of various armed groups through its Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) program.

A UNSC sanctions regime is also in place, subjecting 26 individuals, including Ntaganda and Ntabo Nteberi Sheka, and 6 entities to the enforcement of travel bans and asset freezes.

During March, the UN Joint Human Rights Office released a report on "serious human rights violations committed by members of the Congolese Defense and Security Forces in Kinshasa in the Democratic Republic of the Congo between 26 November and 25 December 2011." The investigation confirmed that at least 33 people were killed and 83 others were injured by members of the Congolese defense and security forces during the November-December election period. On 20 April the UNSC held an Arrria Meeting on security sector reform (SSR) in the DRC.

The ICC has been involved in the DRC since 2004. The ICC delivered its first-ever verdict on 14 March 2012, convicting Thomas Lubanga Dyilo of committing war crimes. On 14 May the ICC Prosecutor requested a new warrant for the arrest of Ntaganda.

The UNSC issued a Press Statement on 3 May urging the Congolese government to ensure the protection of civilians and to hold those who have committed war crimes and crimes against humanity responsible for their actions. A

UNSC Press Statement was issued on 14 May strongly condemning recent attacks on UN peacekeepers.

## NECESSARY ACTION

The government of the DRC and MONUSCO need to ensure that the protection of populations remains a priority. MONUSCO also needs to be provided with adequate resources for their DDRRR program. The UNSC needs to renew MONUSCO's mandate, which expires on 30 June, with the inclusion of more robust SSR protocols.

International donors need to coordinate their programs for SSR to ensure that the government of the DRC implements critical reforms. In addition to military reform, the government of the DRC must improve the credibility and transparency of the domestic judicial process and should grant permission for the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence to visit the DRC, as recommended by the UN HRC.

All perpetrators of mass atrocity crimes in the DRC, including Ntaganda, need to be held accountable. While Ntaganda remains at large, countries in the region should not provide him with shelter or support.

## MORE INFORMATION

- » [MONUSCO Website](#)
- » [ICC Situation Page: DRC](#)
- » [Report of the UN Joint Human Rights Office on Serious Human Rights Violations Committed by Members of the Congolese Defense and Security Forces in Kinshasa in the DRC Between 26 November and 25 December 2011, March 2012](#)
- » [GCR2P Populations at Risk: DRC](#)

## ACCOUNTABILITY WATCH

### Sierra Leone:

The UN-backed Special Court for Sierra Leone convicted former Liberian President Charles Taylor of eleven counts of crimes against humanity and war crimes on 26 April 2012. Taylor was convicted for his role in mass atrocity crimes committed by Sierra Leone's Revolutionary United Front between November 1996 and January 2002. The conviction of Taylor marks the first time since the Nuremburg trials that a former head of state was convicted of war crimes or crimes against humanity by an international tribunal.

### Bosnia and Herzegovina:

The UN International Criminal Tribunal for the former Yugoslavia will commence the trial of Ratko Mladic on 16 May 2012. Mladic is a former Commander of the Bosnian Serb Army and stands accused of genocide and other crimes committed against non-Serb civilians in Bosnia and Herzegovina from 1992 through 1995.

### Guatemala:

In late February a Guatemalan judge denied Efraim Rios Montt, the country's leader during 1982-1983, an extension of his amnesty from being tried on charges of genocide. During Montt's leadership mass atrocity crimes were committed against indigenous Mayans as part of the country's long civil war. Five ex-paramilitaries were also sentenced for their role in committing crimes against humanity during the 1982 Plan de Sanchez massacre.

### Côte d'Ivoire:

The ICC announced the expansion of the jurisdiction of its investigation in Côte d'Ivoire to include crimes committed between September 2002 and November 2010. This investigation comes in addition to ongoing investigations of crimes committed during the 2010-2011 post-election crisis.

## SERIOUS CONCERN

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



## CENTRAL AFRICA

### The Lord's Resistance Army

*Populations in the Central African Republic, the Democratic Republic of the Congo and South Sudan continue to be at risk of attack by the Lord's Resistance Army, which has perpetrated crimes against humanity for more than twenty years.*

### BACKGROUND

Started by Joseph Kony in northern Uganda during 1987 as a religiously-inspired militia group, the Lord's Resistance Army (LRA) has perpetrated crimes against humanity across central Africa, including in the Central African Republic (CAR), the DRC and South Sudan. Though the group remains an active threat to civilians in these states, no attacks have been reported in Uganda since 2006. As of May 2012 Joseph Kony is reportedly located in southern Darfur with a group of LRA fighters. The Ugandan army has accused the government of Sudan of supporting him.

The LRA's tactics include the deliberate maiming of civilians, abducting children and forcing them to kill their families, and using young girls as sex slaves. Though their numbers are estimated at only 150-300 combatants, the LRA still poses a formidable threat while operating across large remote regions that lack a significant security personnel presence.

Since 2008 the LRA has killed more than 2,300 people, and an estimated 445,000 people remain displaced. During March 2012 the LRA conducted more than 33 attacks in north-eastern DRC alone, and populations in the CAR have experienced 20 LRA attacks this year. These attacks have resulted in 9 civilian deaths and 90 abductions. Terrorized civilians flee their communities in response to warnings of the LRA operating in their area, resulting in the displacement of more than 4,200 people this year.

### ANALYSIS

The LRA's recent campaign of attacks in north-eastern DRC and the CAR represents a significant surge in activity. The lack of early warning capabilities undermines attempts to provide adequate protection to civilians in such a vast region. A number of villages in the DRC have acquired long-range radio capacity, but in the CAR their availability is extremely limited.

The governments of Uganda and the DRC have consistently failed to form agreements for the movement of troops across borders in pursuit of the LRA, which creates safe havens for the group within the DRC. In the absence of adequate state protection, community defense groups have sprung up in the CAR and South Sudan to protect villages vulnerable to attack, increasing militarization in the region. The large number of refugees fleeing to South Sudan after LRA attacks in the CAR and the DRC also has a destabilizing effect upon an already unstable country.

The governments of LRA-affected countries are struggling to uphold their Responsibility to Protect and need further international assistance.

### INTERNATIONAL RESPONSE

The UN has a limited number of peacekeepers from MONUSCO and the mission in South Sudan stationed in LRA affected areas. MONUSCO has enticed some LRA fighters to leave the group through its DDRRR program and Uganda's Amnesty Commission has reintegrated more than 12,000 former fighters and abductees since 2000.

Following an October 2011 announcement, the US deployed 100 military advisors to central Africa to train, assist and provide intelligence aimed at eradicating the LRA. The UNHCR noted in March that the presence of US military advisors has resulted in an improved situation in the CAR city of Obo.

The AU and the UN Office on Central Africa (UNOCA) announced the launch of the operational phase of the AU-led Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA) on 24 March. The RCI-LRA aims to provide better coordination among troops from the four LRA-affected states. The Special Envoy of the AU for the LRA issue, Francisco Madeira, has met with leaders from those countries to encourage coordinated cross-border responses. Madeira and the head of UNOCA visited Chad in April to warn that the LRA may cross their borders in search of a safe haven during RCI-LRA operations.

Ugandan forces captured a high-level LRA commander, Caesar Acellam, on 12 May in the CAR.

## NECESSARY ACTION

The government of the DRC needs to coordinate with the governments of other LRA-affected countries to agree on cross-border operations to eliminate LRA safe havens. The AU should lead efforts to diplomatically engage the government of Sudan and ensure that Kony does not secure a safe haven within its borders. International donors should support MONUSCO's DDRRR program to reduce the number of LRA combatants. There is an urgent need to undertake similar DDRRR efforts in the CAR. Donors should help the LRA-affected states to build capacity for local early-warning mechanisms, such as providing villages with high frequency radio and mobile phone capabilities, and provide resources to help the RCI-LRA fulfill its mandate.

## MORE INFORMATION

- » [ICC Situation Page: LRA](#)
- » [LRA Crisis Tracker](#)
- » [GCR2P Populations at Risk: Central Africa \(LRA\)](#)



## BURMA/MYANMAR

*Despite significant political reforms in Burma/Myanmar, ethnic minorities still face a risk of crimes against humanity and war crimes perpetrated by armed forces.*

### BACKGROUND

Since the end of military rule in mid-2011, Burma/Myanmar's new civilian government under President Thein Sein has embarked upon a series of democratic and economic reforms. After more than sixty years of civil war, the government has also secured ceasefire agreements with 13 of Burma/Myanmar's ethnic armed groups.

The UN Special Rapporteur on the human rights situation in Myanmar acknowledged on 7 March the government's important commitment to reform, but expressed concerns over ongoing conflict in certain ethnic areas, particularly in Kachin, Shan and Kayin States. According to the Special Rapporteur, these conflicts have resulted in "serious human rights violations, including attacks against civilian populations, extrajudicial killings, sexual violence,

arbitrary arrest and detention, internal displacement, land confiscation, the recruitment of child soldiers, forced labor and portering."

Violence erupted in Kachin State following the breakdown of a ceasefire between government forces and the Kachin Independence Army (KIA) in June 2011. Ongoing clashes have displaced approximately 75,000 Kachin from their homes. According to Human Rights Watch, the government continues to block desperately-needed humanitarian aid to refugees in KIA-controlled areas.

During the 1 April 2012 by-elections, the opposition National League for Democracy won 43 of the parliament's 664 seats. This is symbolically significant but does not necessarily translate into improvements for Burma/Myanmar's ethnic minorities. Citing a risk of increased violence the government closed polls in Kachin State during the election, effectively denying the Kachin their right to vote. The Rohingya, a stateless Muslim ethnic group of approximately 800,000 individuals, continue to face discrimination and denial of citizenship by the government.

The government formed a National Human Rights Commission (NHRC) in September 2011. In March 2012 the NHRC's chairman said it would not yet pursue investigations in "conflict areas," where the majority of human rights abuses take place.

As Burma/Myanmar undertakes much needed reforms, prioritizing ethnic issues and protecting populations from mass atrocity crimes must be at the forefront of the government's efforts.

### ANALYSIS

The civilian government appears dedicated to political reform but the risk of further mass atrocity crimes committed against ethnic minorities remains.

Fighting continues in Shan and Kayin States despite existing ceasefire agreements, as the military's commitment to a change of policy appears uneven. Hardliners and reformists within both the government and military appear divided over how to resolve long-standing conflict with ethnic armed groups.

It is unclear whether democratic reforms will end the systematic discrimination and violence against the ethnic minorities who make up one-third of Burma/Myanmar's population. The government of Burma/Myanmar is struggling to uphold its primary Responsibility to Protect.

### INTERNATIONAL RESPONSE

Recent reforms have contributed to rapprochement between Burma/Myanmar and the international community following decades of political isolation. The EU and a number of countries, including the US and Australia, quickly agreed to relax sanctions before the establishment of clear benchmarks outlining how the government will address ethnic conflict. Japan announced on 21 April that it would



forgive \$3.7 billion of Burma's debt and resume development aid in support of political and economic change.

The ASEAN Inter Parliamentary Myanmar Caucus, a group of legislators from the Association of Southeast Asian Nations (ASEAN) that advocates for human rights and democratic reform in Burma/Myanmar, cautioned against allowing democratic developments to overshadow the "continued violence and human rights abuses taking place in the ethnic areas."

### NECESSARY ACTION

Remaining sanctions should be lifted following demonstrable and sustainable change, including the cessation of armed violence. The international community must also press for unfettered humanitarian access to refugees and development of a comprehensive plan to engage ethnic minorities in an inclusive reconciliation process.

A central component of the reform process must include developing an independent judiciary as a means of safeguarding human rights and tackling the culture of impunity regarding previous mass atrocity crimes. The scope of the NHRC's work should be expanded to include conflict areas where abuses continue.

The capacity of the new government to uphold its Responsibility to Protect must be strengthened with the assistance of international actors, especially ASEAN.

### MORE INFORMATION:

- » [HRC Report A/HRC/19/67](#), 7 March 2012
- » ["Untold Miseries": Wartime Abuses and Forced Displacement in Burma's Kachin State](#), Human Rights Watch, 20 March 2012
- » [GCR2P Populations at Risk: Burma/Myanmar](#)



## LIBYA

*Following the February-September 2011 uprising and civil war, ongoing activity by armed militias poses a threat to populations in Libya. The perpetrators of crimes against humanity and war crimes committed during the conflict have not been held accountable for their actions.*

### BACKGROUND

During March 2011 international intervention mandated under UNSC resolution 1973 halted mass atrocity crimes committed by the former Libyan government. However, militia groups, originally formed to resist government forces during the uprising and civil war, now threaten civilian security in several areas of the country, including the cities of Sabha in northern Libya, Kufra in the south and Zuwara in the west.

Conflict near Kufra between the Tabu and Zwai tribes resulted in the death of an estimated 100 civilians between 12 and 21 February 2012. During March militia groups clashed in Sabha, killing over 150 people and leaving 395 wounded. The Tabu, who had been discriminated against by the former government of Muammar Qaddafi, claim they are victims of massacres perpetrated by rival tribes. They blame the National Transitional Council (NTC) for not intervening and have threatened to secede. The group also reestablished the "Tabu Salvation Front of Libya," for self-defense from what they describe as "ethnic cleansing."

Battles between rival militia groups in the cities of Zuwara, Regdalein and al-Jumail, close to the Tunisian border, also resulted in the death of more than 20 people in early April.

Militia groups also continue to oversee many of the detention centers where thousands are still arbitrarily detained on suspicion of being former Qaddafi loyalists, and numerous cases of torture have been reported.

The UN HRC released the report of the International Commission of Inquiry on Libya on 2 March. The report found that during the 2011 uprising pro-Qaddafi forces committed crimes against humanity and war crimes including murder, enforced disappearances and torture. The report also concluded that anti-Qaddafi militias committed serious violations, constituting war crimes and breaches of international human rights law. This included the deliberate destruction of the town of Tawergha and displacement of an estimated 35,000 civilians, many of whom continue to face attacks and possible illegal detention because of their perceived previous support for the Qaddafi regime.

On 17 March Abdullah al-Senussi, former head of military intelligence under Qaddafi, was arrested in Mauritania. The ICC issued a warrant for his arrest and the arrest of Saif al-Islam Qaddafi in June 2011 for alleged commission of crimes against humanity. The ICC claims jurisdiction over their trials.

Libya passed a new law on 3 May that effectively granted immunity from prosecution to anti-Qaddafi militias for crimes committed during the uprising and civil war.

### ANALYSIS

Although the NTC has transformed itself into the interim government of Libya and achieved international recognition, the rule of law remains weak throughout much

of the country. In the absence of an effective government, complex local conflicts still have the potential to quickly deteriorate into violence. The NTC has expressed support for international human rights obligations and attempted to resolve disputes among rival armed groups. The NTC recently integrated 70,000 former fighters into the Ministry of Interior. However, the treatment of detainees, granting immunity for war crimes and the struggle to control rival militias leaves Libyans at risk of further violence.

The NTC still requires ongoing international assistance in its efforts to ensure security, end impunity and uphold its Responsibility to Protect.

### INTERNATIONAL RESPONSE

On 12 March 2012 the UNSC extended the mandate for the UN Mission in Libya (UNSMIL) until 16 March 2013, in order to support the Libyan interim government. The new mandate includes an important human rights monitoring role and “underscores the Libyan authorities’ primary responsibility for the protection of the Libyan population.” The ICC remains engaged in the cases of Abdullah al-Senussi and Saif al-Islam Qaddafi, but the dispute over ICC jurisdiction has not been resolved.

### NECESSARY ACTION

The Libyan interim government must intensify efforts to demobilize and disarm militias in order to ensure security throughout the country. All Libyans must be afforded adequate protection and due process under the law. All detention facilities must be moved under direct governmental control as a matter of the highest priority. All actors within Libya must adhere to international human rights law, including the prohibition of torture. The Libyan interim government and the ICC should coordinate efforts to pursue the prosecution of Saif al-Islam Qaddafi and Abdullah al-Senussi for crimes against humanity and war crimes. The Libyan interim government should investigate war crimes and crimes against humanity committed by all forces during the 2011 uprising and civil war and hold perpetrators accountable.

### MORE INFORMATION

- » [UNSMIL Website](#)
- » [ICC Situation Page: Libya](#)
- » [HRC Report A/HRC/19/68](#), 2 March 2012
- » [GCR2P Populations at Risk: Libya](#)



## SOMALIA

*There is a serious risk of war crimes and crimes against humanity being perpetrated by militias and various other armed forces operating in Somalia.*

### BACKGROUND

After more than 20 years of conflict, recurring famine and the collapse of the Somali state, recent developments offer an opportunity for Somalis to rebuild their country. However, ongoing armed conflict between the extremist Islamist armed group Al Shabaab and a range of domestic and international forces continues to pose a serious threat to civilians. Those currently fighting Al Shabaab include the Transitional Federal Government (TFG), based in Mogadishu and supported by the African Union Mission in Somalia (AMISOM) as well as several allied militias, and the armies of Ethiopia and Kenya.

For years the conflict in Somalia has been characterized by reckless disregard for the safety and security of the civilian population. Clan militias, Islamist armed groups, various regional government forces and several foreign armies who have intervened in Somalia have all been responsible for the commission of mass atrocity crimes.

Parties to the conflict have previously violated international humanitarian and human rights law, especially through their indiscriminate use of mortar, rocket and artillery fire in civilian areas, including Mogadishu. In areas controlled by Al Shabaab, which is affiliated with Al Qaeda, the denial of aid to people facing famine may also constitute crimes against humanity.

Although the TFG and AMISOM have made significant military progress against Al Shabaab over the last year, serious concerns remain with regard to the protection of civilians, especially in the south of the country.

During October 2011, following a series of terrorist attacks, the Kenyan army intervened in southern Somalia in order to secure Kenya’s borders. Ethiopian forces, who first intervened in Somalia in 2006, also made major military advances against Al Shabaab in late 2011. This has seriously weakened Al Shabaab, but has also displaced thousands

of civilians, especially in Jubaland. More than 100,000 Somali refugees crossed into Kenya during 2011 alone. An estimated 479,000 Somalis currently receive assistance in UNHCR refugee camps in Kenya.

During January and February 2012 Ethiopian troops and militias allied to the TFG, including the Ahlu Sunna Wal Jama'a and Shabelle Valley State, forced Al Shabaab from Beletweyne and Baidoa, the only major towns still held by the group since they retreated from Mogadishu in August 2011. Human Rights Watch documented a number of summary executions and other abuses committed by the Ethiopian and TFG allied militias during January 2012 after the fall of Beletweyne.

Civilians within areas of armed conflict continue to face the threat of mass atrocity crimes.

### ANALYSIS

It is crucial that the international community views the situation in Somalia through the lens of the Responsibility to Protect and not simply as an exercise in state building, an opportunity to fight piracy or another battleground of the "war on terror." Al Shabaab has been driven from Mogadishu and other major towns, but armed violence continues to pose a grave threat to civilians. Renewed international engagement with Somalia offers an opportunity to improve accountability. Impunity for mass atrocity crimes is an impediment to building a safe and stable Somalia.

All parties to the conflict in Somalia, including those who have intervened to end the threat posed by Al Shabaab, have a Responsibility to Protect civilians from war crimes and crimes against humanity.

### INTERNATIONAL RESPONSE

AMISOM, which was established by the AU during 2007 in order to provide security for the TFG, operates with UN support. On 22 February 2012 the UNSC adopted Resolution 2036, increasing the ceiling for AMISOM from 12,000 to 17,731 troops.

On 23 February the United Kingdom hosted an international conference in London that was attended by more than 40 governments, as well as the leaders of the TFG and the autonomous regional governments of Puntland, Somaliland and Galmudug.

The mandate of the TFG is due to expire on 20 August 2012.

### NECESSARY ACTION

AMISOM, the TFG, Kenya, Ethiopia and their respective allied militias must ensure that their military campaign against Al Shabaab is carried out in accordance with international humanitarian law. Allegations of mass atrocity crimes must be investigated and perpetrators held accountable.

### MORE INFORMATION:

- » [UNSC Resolution S/RES/2036](#), 22 February 2012
- » [Somalia: Pro-Government Militias Executing Civilians](#), Human Rights Watch, 28 March 2012
- » [GCR2P Populations at Risk: Somalia](#)



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