



R2P MONITOR

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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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CURRENT CRISIS

Mass atrocity crimes are occurring and urgent action is needed.



SYRIA

Populations in Syria continue to face mass atrocity crimes committed by state security forces and affiliated militias. The increasingly sectarian nature of the civil war puts civilians at even greater risk.

BACKGROUND

After twenty months of continuous violence in Syria, civilians remain the primary victims of a conflict that has escalated into a civil war. Although documented figures vary, it is estimated that the death toll now exceeds 30,000 people. While the Syrian government continues to target opposition strongholds using artillery, tanks, helicopters and fighter jets, it has also indiscriminately shelled and bombed residential areas, in some cases with cluster munitions. Snipers and allied “shabiha” militias have also been deployed to attack communities, committing large-scale massacres in several towns. One such incident, on 26 September on the outskirts of Damascus, reportedly claimed over 300 lives.

The UN Human Rights Council (HRC)-mandated Commission of Inquiry (CoI) has reported that government forces and allied “shabiha” militias continue to commit crimes against humanity, war crimes and gross violations of human rights and international humanitarian law as a matter of state policy. The CoI reported that armed opposition groups have also committed war crimes, albeit on a smaller scale than that of the government.

With a growing foreign Salafist presence, disparate armed opposition groups continue to attack government forces and pro-government militias. In some cases, these groups have not only been implicated in kidnappings, torture and extrajudicial killings of security forces, but also in abuses committed against civilian supporters of the government.

Ongoing fighting has displaced 2.5 million Syrians internally, with more than 408,000 fleeing to neighboring countries, according to the Office of the UN High Commissioner for Refugees (UNHCR). The UNHCR forecasts that more than 700,000 Syrians will have fled the country by the year’s end.

Months of sporadic sectarian fighting and the 19 October killing of Lebanon’s top intelligence official, Brigadier General Wissam al-Hassan, have aggravated tensions with neighboring Lebanon. Friction between Syria and Turkey has also escalated. On 3 October Turkey struck several military targets within Syria in retaliation for mortar fire that killed five civilians in the Turkish village of Akcakale. After six days of retaliatory fire, Turkish President Abdullah Gul warned that Turkey would do “whatever is needed” to defend itself. Israel was drawn into the conflict when, on 11 November, it fired “warning shots” into Syria after a Syrian mortar hit a military post in the Golan Heights.

On 3 August UN Secretary-General Ban Ki-moon described the Syrian conflict as a “proxy war, with regional and international players arming one side or the other.” Several members of the group of over 80 states identifying as the “Friends of the Syrian People” are providing financial support to the opposition, while Saudi Arabia and Qatar are reportedly providing arms. In contrast, Russia, Venezuela and Iran have criticized international efforts to undermine President Bashar al-Assad’s government. Russia is supplying arms to Syria, while Venezuela has said it will continue to ship fuel to help circumvent the effects of sanctions. According to the UN, Iran has provided funds and weapons to the government in clear violation of UN Security Council (UNSC) Resolution 1747, banning Iranian arms exports.

Following the resignation of Kofi Annan as UN-League of Arab States (Arab League) Special Envoy to Syria, Lakhdar Brahimi assumed the role on 1 September. During the last week of October, Brahimi brokered a ceasefire in observance of the Muslim holiday Eid al-Adha. Despite the agreement, fighting continued. The Syrian Network for Human Rights reported the October death toll to be over 4,500 people.

ANALYSIS

According to the CoI’s August report, combat between government and opposition forces has involved “more brutal tactics and new military capabilities on both sides.” The government has become increasingly dependent upon air power as it seeks to prevent the rebels from making further territorial gains. Fighting for its survival, the government continues to utilize security forces, “shabiha” and Syria’s

dwindling financial resources to retain power at all costs. The “shabiha” operate outside of a clear chain of command, posing an especially grave danger to civilians.

The armed opposition, now receiving greater external support, has militarily seized control of territory in several major cities. Civilians, however, remain the primary victims of government reprisals against rebel-held areas. The threat of sustained cross-border conflict with Turkey, the destabilization of Lebanon and increasing refugee flows are aggravating regional tensions.

Although the government has experienced a significant number of defections to the Sunni-dominated opposition, Alawites still form the core of the command structure of the regime’s security apparatus and, along with other minorities, have largely remained supportive. As sectarian divisions become more pronounced, violence worsens. The need to ensure the safety and security of minorities remains critical to the resolution of the conflict.

External political influence upon the Syrian government via the UN and regional actors remains weak. Sanctions have had limited success as Syria’s few remaining allies have continued to provide crucial economic insulation.

The UNSC, handicapped by the resistance of Russia and China to any coercive measures, remains divided over Syria, emboldening President Assad in his assault on the armed opposition and civilian population. While a number of states have imposed sanctions, the UNSC stalemate has allowed the situation to deteriorate to the point where few options for a peaceful solution exist.

The government of Syria has not only failed to uphold its Responsibility to Protect, it bears primary responsibility for the ongoing commission of war crimes and 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. [For responses prior to September 2012, see GCR2P’s [Timeline of International Response to the Situation in Syria](#).]

During the September opening of the 67th session of the UN General Assembly (UNGA), over 100 countries criticized the Syrian government and condemned the violence.

The HRC has adopted seven resolutions. The latest, passed on 28 September, condemned ongoing violence against civilians and called upon the Syrian authorities to meet their Responsibility to Protect.

While the UNSC has condemned violence against civilians and sent UN observers to Syria, it has been unable to agree upon further action aimed at halting the conflict.

In the absence of coercive measures mandated by the UNSC, several Western and Arab countries have severed diplomatic relations with the Syrian government and imposed sanctions. On 4 October the UNSC issued a Press Statement condemning an al-Qaeda-affiliated terrorist attack in Aleppo that caused dozens of deaths. A UNSC Press Statement on 5 October condemned Syria’s shelling into Turkey. The UNSC also issued a Press Statement on 24 October backing the Eid al-Adha ceasefire proposed by Special Envoy Brahimi.

Various Syrian opposition factions agreed on 11 November to unify under a new National Coalition for Syrian Revolutionary and Opposition Forces (Coalition). In the following days the Coalition was recognized as the legitimate representative of the Syrian people by Gulf Cooperation Council member-states and France.

NECESSARY ACTION

The Syrian government and armed opposition groups must adhere to international humanitarian law (IHL).

The UNSC must take immediate steps to halt mass atrocity crimes in Syria. It 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 UNSC should ensure the continuation of human rights monitoring in Syria and support the work of the Col.

War crimes and crimes against humanity in Syria should be thoroughly investigated and the perpetrators, regardless of their affiliation, brought to justice by the international community. Donor countries should allocate funds for additional UN-sanctioned human rights monitors on the Syrian border in order to collect evidence for future possible prosecutions.

Donor countries should also deny funding or support for any rebel groups who commit war crimes or target Alawites, Christians, Kurds and other minorities for reprisals. The international community and regional powers must increase efforts to find a political solution to the crisis.

MORE INFORMATION

- » [HRC Oral Update of the Commission of Inquiry A/HRC/21/50](#), 15 August 2012
- » [HRC Resolution A/HRC/21/L.32](#), 28 September 2012
- » [UNSC Press Statement](#), 24 October 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.

BACKGROUND

For the past sixteen months in South Kordofan and thirteen months in Blue Nile, the Sudanese Armed Forces (SAF) have conducted a counterinsurgency campaign against the Sudan People's Liberation Movement-North (SPLM-N), a rebel group who fought alongside forces associated with the new government of South Sudan during the civil war. With attention focused on tensions between Sudan and South Sudan, the international community has failed to comprehensively address the protracted conflicts in South Kordofan and Blue Nile where mass atrocity crimes continue to be perpetrated.

Populations in South Kordofan and Blue Nile have been subjected to systematic violence and collective punishment by the SAF, including aerial bombardments, armed raids, extra-judicial killings and arbitrary arrests of civilians. The SPLM-N has also perpetrated war crimes, including the forced recruitment of civilians living in South Sudanese refugee camps.

Fighting between the SAF and SPLM-N has led to the displacement of over 695,000 civilians while more than 241,500 people have fled to South Sudan and Ethiopia. Between 23 and 26 October the SPLM-N indiscriminately shelled Kadugli, South Kordofan, leading to mass civilian displacement. The Justice and Equality Movement (JEM) and other Darfuri rebel groups, which form part of the Sudan Revolutionary Front (SRF), have also admitted to launching significant military operations in South Kordofan.

The conflict started in South Kordofan following disputed results of a May 2011 gubernatorial election leading to the outbreak of fighting on 6 June. Violence then spilled into neighboring Blue Nile on 1 September when the SAF and allied paramilitaries, the Popular Defence Forces, launched an assault on SPLM-N positions in the city of Al Damazin.

Despite the government of Sudan and the SPLM-N's acceptance of the UN, Arab League and African Union (AU) "tripartite plan" to permit humanitarian access to SPLM-N controlled areas in the two states, they have failed to agree on the subsequent "action plan" for aid distribution.

The conflicts in South Kordofan and Blue Nile are inextricably linked to border tensions between Sudan and South Sudan. Sudan alleges that South Sudan supports the SPLM-N and allows them to use its territory to attack Sudan. On 27 September, under the auspices of the AU High Level Implementation Panel on Sudan (AUHIP), both governments signed cooperation agreements addressing contentious issues, including oil transit fees and the status of citizens in the other's territory. Both sides also agreed to demarcate their borders and established a safe demilitarized border zone. The zone will be jointly monitored with the UN peacekeeping force in Abyei (UNISFA) as part of the Joint Border Verification Monitoring Mechanism (JBVMM).

The final status of Abyei, an area claimed by both countries, was not resolved during negotiations. The disputed area witnessed significant fighting between the two countries in May 2011. While both sides withdrew military personnel from Abyei on 29 May 2012, the failure to resolve Abyei's status makes the area a potential catalyst for future conflict.

The security situation in Darfur also continues to be of grave concern. A number of recent clashes between the SAF, SRF and other armed groups were reported across the region. There was a serious escalation of violence between 25 and 27 September in North Darfur, and 70 civilians were reportedly killed as a result of SAF clashes with rebel groups. Five peacekeepers from the AU-UN Mission in Darfur (UNAMID) were killed in ambushes on 2 and 17 October by unidentified armed groups. On 2 November an alleged attack on civilians resulted in fatalities and widespread displacement in Sigili, North Darfur.

ANALYSIS

The situation in South Kordofan and Blue Nile is already dire and is likely to face further deterioration as the dry season approaches in late November. All parties are preparing for new military offensives, heightening the risk to civilians. The government and Sudanese rebel groups continue to seek a military solution to the conflict with neither party willing to enter meaningful negotiations.

The government of Sudan has a history of perpetrating atrocities in Darfur and during its civil war with the south, and has consistently defied external pressure to halt mass atrocity crimes. Similar crimes are currently being committed by the SAF in South Kordofan and Blue Nile where patterns of violence specifically targeting civilians have been witnessed for more than a year.

President Omar al-Bashir was indicted by the ICC for war crimes, crimes against humanity and genocide for crimes committed in Darfur, while the current governor of South Kordofan, Ahmad Haroun, was indicted for crimes against humanity and war crimes.

Sudan also has a history of preventing aid from reaching populations at risk of starvation, actions which may amount to crimes against humanity.

Elements of the SRF, including the SPLM-N and JEM, have previously perpetrated war crimes. The militarization of South Sudanese refugee camps through the continued presence of the SRF risks retaliatory attacks by the SAF. There is a history of such attacks, including an airstrike near Yida camp on 10 November 2011.

China has major investments in Sudan and can potentially influence the Sudanese government's behavior. The United States maintains a close relationship with the government of South Sudan, which continues to have influence upon the SPLM-N. So far no party has used its position sufficiently to push for an end to mass atrocity crimes in South Kordofan or Blue Nile. Following the death of Ethiopian President Meles Zenawi, his role as an influential intermediary has gone unfulfilled.

Despite the signing of cooperation agreements on 27 September, the failure to resolve outstanding issues from the 2005 Comprehensive Peace Agreement (CPA) enhances the possibility of renewed conflict between Sudan and South Sudan and threatens the long-term security of civilians.

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

UN peacekeeping missions currently exist in Darfur (UNAMID) and in Abyei (UNISFA). [For responses prior to October 2012, see GCR2P's [Timeline of International Response to the Situation in South Kordofan and Blue Nile States](#).]

Former President of South Africa Thabo Mbeki, acting under the auspices of the AUHIP, has facilitated negotiations on cross-border issues. Mbeki delivered a report on the status of negotiations to the AU Peace and Security Council (PSC) on 24 October. The AU PSC is expected to request the UNSC to endorse the report's recommendations.

The UNSC issued a Press Statement on 28 September commending the Presidents of Sudan and South Sudan for their cooperation agreements, which represented "a major breakthrough for the establishment of peace, stability and prosperity in both Sudan and South Sudan." The UNSC

also repeated calls for the government of Sudan and the SPLM-N to expedite the delivery of humanitarian assistance to affected populations in South Kordofan and Blue Nile.

NECESSARY ACTION

The government of Sudan and the SPLM-N must cease armed hostilities and create conditions enabling humanitarian aid to be delivered to South Kordofan and Blue Nile. The AU and the UNSC must hold both parties accountable for further non-compliance with signed agreements relating to humanitarian access and with the provisions of UNSC Resolution 2046.

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

Sudan and South Sudan must continue negotiations to resolve outstanding issues from the CPA, especially regarding the status of Abyei. The governments of Sudan and South Sudan must immediately operationalize the JBVMM and stop the illicit flow of weapons to rebel groups operating in the other's territory.

The government of South Sudan must uphold its responsibility to ensure the inviolability of refugee camps within its territory and end the recruitment of refugees by the SPLM-N.

The international community should help facilitate a political solution between the government of Sudan and various Sudanese rebel groups operating in South Kordofan, Blue Nile and Darfur.

MORE INFORMATION

- » [UNISFA Website](#)
- » [UNAMID Website](#)
- » [UNSC Press Statement SC/10779](#), 28 September 2012
- » [AU PSC Communiqué PSC/MIN/COMM/1\(CCCXXXIX\)](#), 24 October 2012
- » [GCR2P Populations at Risk: Sudan](#)



DEMOCRATIC REPUBLIC OF THE CONGO

Crimes against humanity are being perpetrated by armed groups operating in the eastern regions of the Democratic Republic of the Congo.

BACKGROUND

Populations in the Democratic Republic of the Congo (DRC) regions of North Kivu and South Kivu remain at grave risk of mass atrocity crimes. Insecurity caused by fighting between the Congolese military and a group of army defectors has allowed armed groups to carry out attacks upon the civilian population. More than 370,000 civilians have fled their homes in North Kivu alone since April and hundreds of thousands more have fled South Kivu, contributing to the more than 2.4 million internally displaced persons (IDPs) in the DRC.

During April, the defection of hundreds of ex-members of the National Congress for the Defense of the People (CNDP), a group mainly comprised of ethnic Tutsi rebels that had been integrated into the Armed Forces of the DRC (FARDC), resulted in the formation of the March 23 (M23) rebel movement. M23 asserts that the government has failed to fulfill the 23 March 2009 agreement that led to their integration into the military in the eastern DRC.

Initial fighting between M23 and the FARDC for territory in regions of North Kivu near the Ugandan and Rwandan borders quickly spread between April and July. While fighting subsided in August, M23 established a parallel government in parts of North Kivu. M23 and the FARDC resumed clashes in October and M23 leaders have threatened to expand their operations if the government refuses to negotiate.

The UN has reported human rights violations committed by both sides of the conflict. The UNSC issued a Presidential Statement on 19 October condemning M23's attacks upon the civilian population "including summary executions, sexual and gender based violence and large scale recruitment and use of child soldiers," actions which may amount to crimes against humanity.

On 27 June the UN Group of Experts on the DRC submitted an addendum to their interim report containing evidence that members of the Rwandan government had provided weapons and recruited soldiers for M23 and other armed groups operating in the DRC. A widely reported leaked version of the Group of Experts' next report alleges that Rwanda continues to direct M23's leadership and that Uganda has also supported M23. The Rwandan and Ugandan governments vehemently deny these allegations.

In the security vacuum created by the abandonment of army posts by defectors and the redeployment of FARDC to confront M23, armed groups that have been operating within the DRC for more than a decade – namely the Democratic Forces for the Liberation of Rwanda (FDLR), the Lord's Resistance Army (LRA) and Mayi-Mayi militias – have increased their attacks upon civilians in the eastern DRC.

A group called Raia Mutomboki claims to be protecting local populations by attacking FDLR combatants and their families. The FDLR is mainly composed of Rwandan Hutus, many of whom are associated with the 1994 genocide. Witnesses have reported to UN investigators that Raia Mutomboki assaults have taken on an increasingly inter-communal dimension, with Kinyarwanda speakers and ethnic Hutus being at particular risk. These attacks have resulted in a cycle of retaliation by Raia Mutomboki and the FDLR upon populations perceived to be affiliated with the other group.

According to the UN Joint Human Rights Office in DRC (UNJHRO), Raia Mutomboki, the FDLR and other armed groups arbitrarily executed at least 264 civilians, including 84 children, during more than 75 attacks on villages in North Kivu between April and September. In a 14 November joint press release with UNJHRO, UN High Commissioner for Human Rights Navi Pillay noted that, "the systematic human rights violations committed by these armed groups, including the slaughter of so many children, are the most serious we have seen in recent times in the DRC."

ANALYSIS

The weakness of government structures undermines attempts to prevent atrocities and protect civilians in the DRC. This is particularly evident in the eastern DRC where the government and FARDC have been unable to regain control of areas taken by M23 and incapable of halting illegal trade across its borders. Populations in the eastern DRC and neighboring governments also fault the DRC government for the failure to halt FDLR operations over the past decade.

More than ten years of security sector reform (SSR) has been slow to produce results. Mass atrocity crimes committed by ex-CNDP while serving in the FARDC and their recent defections highlight the consequences of an

incomplete military integration and reform process. While the FARDC combats M23, it continues to integrate other local militias in the eastern DRC into its ranks. Without comprehensive military reform, the DRC government risks a recurrence of crimes committed against populations by its own military.

The abandonment of military posts in North Kivu because of defections has left nearby populations particularly vulnerable. UNJHRO has noted that “many armed groups have taken advantage of the security vacuum left by the redeployment of army units to expand their own areas of influence, often carrying out violent attacks against civilians and exacerbating inter-ethnic tension, already heightened by the M23.”

Prior to integrating into the FARDC, the CNDP was responsible for gross human rights violations in North Kivu. Reports indicate that M23 members continue to perpetrate mass atrocity crimes.

While members of the international community have condemned the crimes committed by M23 and called for a cessation in violence, the focus on addressing allegations concerning Rwanda and Uganda’s involvement has hindered the development of broader strategies for ending the current violence and preventing future crimes. Resolution of the current political situation may become further complicated by Rwanda’s election to the UNSC for a term starting in January 2013.

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 force in the DRC since 1999. The current stabilization mission in the DRC (MONUSCO) is responsible for more than 19,000 UN personnel operating under a civilian protection mandate. Prior to the recent violence, MONUSCO had facilitated a significant reduction in membership of various armed groups through its Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) program.

The UNSC issued Press Statements on the crisis in the eastern DRC on 3 May, 15 June, 6 July, 16 July, and 2 August. A UNSC sanctions regime is also in place, subjecting 26 individuals, including several M23 leaders, and 6 entities to the enforcement of travel bans and asset freezes. Several major donor countries have withdrawn aid from Rwanda in response to allegations of their involvement with M23.

On 19 October the UNSC issued a Presidential Statement condemning the activity of M23 and other armed groups, and announcing its intention to impose sanctions against

the leadership of M23 and “those acting in violation of the sanctions regime and arms embargo.”

The International Conference on the Great Lakes Region (ICGLR) has met monthly since its Extraordinary Summit on 15 July. During the summit, members signed a declaration directing the ICGLR to work with the AU and UN to establish a “Neutral International Force to eradicate M23, FDLR and all other Negative Forces in Eastern DRC and patrol and secure the Border Zones.” So far only Tanzania has agreed to contribute troops. The ICGLR also held a “UN Mini-Summit on Eastern DRC” on 27 September on the sidelines of the UNGA. The ICGLR launched an Expanded Joint Border Verification Mechanism on 14 September and sent a Military Assessment Team to Goma on 22 September.

NECESSARY ACTION

The government of the DRC and MONUSCO need to ensure that the protection of populations remains a priority as they address the military threat posed by various armed groups operating in the DRC. The government must ensure that other newly integrated groups within the FARDC receive immediate training in the protection of civilians, respect for human rights and IHL.

UNJHRO must continue to investigate crimes committed by the FDLR and Raia Mutomboki and alert the HRC, UNSC and other key actors to their findings. All perpetrators of mass atrocity crimes in the DRC need to be held accountable.

International donors need to coordinate their programs for SSR to ensure that the government of the DRC implements critical reforms and increases its capacity to protect civilians. Support should immediately be given to MONUSCO for implementing SSR protocols in their mandate.

UN member states need to immediately submit listing proposals to the 1533 Committee so that the UNSC can take timely action to implement sanctions upon individuals who have committed crimes documented in the Group of Experts’ report.

External actors must cease providing armed groups operating in the DRC with shelter and support. The governments of the DRC, Rwanda and Uganda need to continue to use diplomatic channels to address allegations of external assistance to armed groups within the DRC.

The AU, ICGLR and SADC should continue to lead international efforts to halt the operation of armed groups in the eastern DRC and ensure that states in the region work together to devise an achievable peace plan.

MORE INFORMATION

- » [MONUSCO Website](#)
- » [UNSC Presidential Statement](#), 19 October 2012
- » [GCR2P Populations at Risk: DRC](#)

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.



BURMA/MYANMAR

Despite ongoing reforms being implemented by President Thein Sein's government, ethnic minorities in Burma/Myanmar, particularly the Rohingya, face an imminent risk of further mass atrocity crimes.

BACKGROUND

During June 2012 longstanding tensions in Arakan/Rakhine state between Rakhine Buddhists and stateless Rohingya Muslims erupted into inter-communal violence. According to the government, these attacks killed 78 people, however many claim that this number is much higher. An estimated 80,000 people were displaced. While President Thein Sein declared a state of emergency on 10 June, security forces tasked with restoring order are accused of allowing the violence to continue and of committing human rights violations themselves. The violence was followed by what the UN High Commissioner for Human Rights, Navi Pillay, described as "a crackdown targeting Muslims, in particular members of the Rohingya community."

After several months of relative calm, sectarian violence reignited on 21 October leaving 89 people dead and another 32,321 displaced while thousands of homes were deliberately burned. The UN reported that most of the victims were Rohingya. In Sittwe, the capital of Rakhine state, violence has effectively segregated the Buddhist and Muslim populations, as many Rohingya fled to displacement camps. President Thein Sein told the UNHCR during July that other than deportation, these camps were the "only solution" for Rohingya. President Thein Sein also asserted to UNHCR that Burma/Myanmar will not take responsibility for Rohingya because they are not citizens and "not our ethnicity."

The approximately 800,000 Rohingya have been described by the UN as one of the world's most persecuted minorities. They continue to be denied citizenship by the government of Burma/Myanmar and face discriminatory state policies. On 1 November Burma/Myanmar's information minister acknowledged that "Rohingyas are denied citizenship by Myanmar and as a consequence the rights that go with it."

Anti-Rohingya sentiment has risen across the country. University students have rallied against Muslims, while several Buddhist monk organizations have demonstrated in support of the deportation of Rohingya and have attempted to block the delivery of humanitarian assistance to displacement camps.

Elsewhere in the country, conditions for other ethnic minorities have also deteriorated. After sixty years of civil war between the former military government and a number of Burma/Myanmar's ethnic minorities, the government has reached ceasefire agreements with 10 ethnic armed groups. Despite this, fighting continues in Kachin, Karenni/Kayah, Karen/Kayin, Chin and Shan states. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of IDPs in Kachin and Shan states has increased to 75,000 as clashes between the government's armed forces (Tatmadaw) and Kachin Independence Army have intensified since August.

Amnesty International has reported that the Tatmadaw has directly attacked ethnic minority civilians during conflicts over the past year. The UN has recorded violations committed by the Tatmadaw including extrajudicial killing, sexual violence, arbitrary arrest and detention, internal displacement, recruitment of child soldiers, forced labor and portering, and use of landmines. OCHA said the government continues to block parts of Kachin and Shan states from access to humanitarian relief for those affected by fighting.

In his 25 September report, the UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, noted that President Thein Sein's calls for the military to cease offensive operations in Kachin state have gone unheeded. The country's constitution exempts the Tatmadaw from prosecution for any act carried out "in the execution of their respective duties" and grants it autonomy to manage its own affairs.

ANALYSIS

While President Thein Sein's government is dedicated to political reform, widespread abuses against many of Burma/Myanmar's minorities demonstrate that the government has made minimal progress towards ending ethnic conflicts.

Long-standing discrimination puts Rohingya at particular risk of further violence. The government's failure to condemn incitement against Rohingya by government officials and Buddhist religious leaders has fueled prejudice. The government's refusal to grant Rohingya citizenship makes them especially vulnerable to violations of their human rights.

In Kachin state attacks by the Tatmadaw demonstrate that the military's commitment to reform remains questionable. With a pervasive culture of impunity, the military has not been held accountable for previous mass atrocity crimes.

The government of Burma/Myanmar is struggling to uphold its Responsibility to Protect and in many cases the Tatmadaw continue to commit possible mass atrocity crimes.

INTERNATIONAL RESPONSE

Following decades of political isolation, recent reforms have contributed to rapprochement between Burma/Myanmar and the international community, including the lifting of many sanctions by the European Union (EU) and a number of countries.

On 6 August the UN Secretary-General's Special Adviser for Myanmar, Vijay Nambiar, and the High Commissioner for Human Rights, Navi Pillay called for an impartial investigation into the events in Rakhine state. In a 25 October statement Special Rapporteur Quintana said that addressing human rights issues must be central to Burma/Myanmar's reform process. He called upon the government to prevent further violence and engage in dialogue to resolve long-standing concerns, including the "endemic discrimination against the Rohingya community."

On 29 September President Thein Sein met with the UN Secretary-General, who called for concerted efforts on behalf of the government in addressing the situation in Kachin state. President Thein Sein also committed to addressing root causes of the violence in Rakhine state.

The Organization for Islamic Cooperation has made several statements condemning the violence against Rohingya Muslims. The latest, on 27 October, urged the government to "deploy concrete measures to put an end to the aggression against Muslims," ensure their safety and bring perpetrators to justice.

On 30 October the government rejected an offer by the Association of Southeast Asian Nations to open talks aimed at quelling the violence in Rakhine state. The following day the UN experts on Myanmar, Minority Issues and Internally Displaced Persons reminded the government that it has an obligation to protect those affected by violence, including the "particularly vulnerable" Rohingya.

NECESSARY ACTION

The Government of Burma/Myanmar must uphold its Responsibility to Protect all populations, regardless of ethnicity. The Tatmadaw must immediately cease attacks on civilians.

The government must address the endemic discrimination against the Rohingya community, including the denial of citizenship. It should hold accountable those who incite ethnic and religious hatred. In Rakhine state, the government must not allow the permanent segregation of the Rohingya and must ensure the safe return of all displaced persons to their communities.

Neighboring countries should open their borders and offer protection to Rohingya asylum seekers.

The international community must press the government of Burma/Myanmar for the development of a comprehensive plan to engage ethnic minorities in an inclusive reconciliation process. Remaining sanctions should only be lifted following demonstrable and sustainable change, including the cessation of armed violence.

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.

MORE INFORMATION

- » [Report of the Special Rapporteur on the situation of human rights in Myanmar](#), 25 September 2012
- » [Burma: New Violence in Arakan State](#), Human Rights Watch, 27 October 2012
- » [GCR2P Populations at Risk: Burma/Myanmar](#)

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.

**SOUTH SUDAN**

The threat of inter-communal violence in the Republic of South Sudan is being exacerbated by militias, leaving populations vulnerable to a recurrence of mass atrocity crimes.

BACKGROUND

Populations in Jonglei state face a heightened risk of mass atrocity crimes as the dry season begins in late November. Inter-communal violence in the state often follows a cyclical pattern with increases in cattle raids and competition for natural resources as the seasonal migration of populations begins. In recent decades this violence has intensified in scale and scope due in part to the proliferation of arms. Increasingly, women and children are being targeted for abduction and sexual violence. During the December 2011 dry season a large-scale attack by armed Lou Nuer youth on Murle communities and subsequent retaliatory attacks that continued until March 2012 resulted in at least 888 civilian deaths.

The risk to civilians is further exacerbated by forces loyal to rebel leader David Yau Yau. Since early August Yau Yau's militias have clashed with the Sudan People's Liberation Army (SPLA) several times, resulting in over 100 SPLA deaths. Civilians are often caught in the cross-fire and communities have been displaced by the violence. Yau Yau is reportedly recruiting youth from his own community, the Murle, to fight in his militias and is also allegedly arming Lou Nuer youth to attack the SPLA. There are credible reports that Sudan is airdropping weapons to Yau Yau's forces.

The government of South Sudan has taken several measures this year to prevent renewed inter-communal

violence. This includes launching a disarmament campaign in Jonglei state, deploying SPLA troops to communities at risk and facilitating a peace accord between traditional Lou Nuer and Murle leaders. The accord made a number of recommendations, including the establishment of protective buffer zones between ethnic communities.

These initiatives, however, have failed to ameliorate the risk to populations in Jonglei state. The UN peacekeeping mission in South Sudan (UNMISS) has reported serious human rights violations perpetrated by the SPLA - largely against the Murle - during the disarmament campaign, including extrajudicial executions, torture and rape. On 4 November the government of South Sudan expelled a senior UNMISS human rights officer, allegedly for raising human rights concerns.

ANALYSIS

The situation in Jonglei state remains a serious concern with civilians at risk of a recurrence of inter-communal violence. Weapons are widely available and the conflict's root causes have not been fully addressed. There is also a risk of inter-communal violence spreading outside of Jonglei state as armed pastoralist groups have reportedly moved into Central Equatorial and Western Equatorial states.

Yau Yau's distribution of arms is destabilizing Jonglei state and undermining the government's disarmament and reconciliation efforts. While it is unclear if he is targeting civilians in Jonglei state, his militias have attacked civilians in Upper Nile state.

The SPLA's increased deployment throughout Jonglei state and UNMISS' presence since March 2012 has helped to improve security. However, as the SPLA tackles the threat posed by Yau Yau, their ability to adequately prevent inter-communal violence is reduced. Moreover, the SPLA's own human rights violations are exacerbating ethnic tensions. Crimes perpetrated against the Murle are helping Yau Yau attract recruits.

According to UNMISS, the government of South Sudan was slow to respond to early warnings of widespread ethnic violence in Jonglei state during December 2011 and January 2012 due to capacity and logistical issues. The inadequate response demonstrates the need for urgent SSR. In addition, UNMISS was unable to adequately fulfill its civilian protection mandate due to a lack of resources.

The government of South Sudan requires ongoing international assistance to ensure security throughout the country and uphold its Responsibility to Protect.

INTERNATIONAL RESPONSE

The UNSC established UNMISS on 9 July 2011 through Resolution 1996. On 5 July 2012 the UNSC adopted Resolution 2057, extending the mandate of UNMISS through 15 July 2013. UNMISS released a Press Statement on 31 August voicing concerns over attacks by Yau Yau's militias.

The HRC passed a resolution on 28 September calling upon the government of South Sudan to improve cooperation with UNMISS in order to strengthen the protection of human rights in South Sudan.

On 9 November the UN High Commissioner for Human Rights, Navi Pillay, urged South Sudan to rescind the expulsion of the UNMISS human rights officer from the country.

NECESSARY ACTION

The SPLA and UNMISS should ensure a sufficient level of troops are deployed to protect civilians and that contingency plans are implemented should inter-communal violence recur.

The government of South Sudan should strengthen national security institutions in order to protect civilians and safeguard human rights. The government must hold SPLA personnel accountable for any human rights violations committed during the disarmament campaign.

In order for UNMISS to fulfill their civilian protection mandate effectively they must be adequately resourced and equipped with the appropriate air assets.

MORE INFORMATION

- » [UNMISS Website](#)
- » [GCR2P Populations at Risk: South Sudan](#)
- » [HRC Resolution A/HRC/21/L.7/Rev.1](#), 28 September 2012



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, the recent conclusion of the Transitional Federal Government (TFG) and establishment of a new government offers an opportunity for Somalis to rebuild their country. However, ongoing armed conflict between Al-Shabaab, an extremist Islamist armed group affiliated with al-Qaeda, and a range of domestic and international forces continues to pose a serious threat to civilians.

The conflict in Somalia has been characterized by the reckless disregard by all sides for the safety and security of the civilian population. Those currently fighting Al-Shabaab include the AU Mission in Somalia (AMISOM), several allied militias and the armies of Ethiopia and Kenya. Since May these forces have seized control of Al-Shabaab bases throughout south-eastern Somalia.

On 28 September AMISOM reported that it had taken control of the port city of Kismayo, Al-Shabaab's last urban stronghold. As the AU and Kenyan forces prepared their assault on Kismayo more than 10,000 people fled in fear of attacks on civilians. The government has imposed curfews within Kismayo, but there are concerns that rival ethnic clans will start to compete for control of the city.

The battles of the past year have seriously weakened Al-Shabaab. Although it has been driven out of many cities, the group has continued carrying out indiscriminate attacks against populations within Somalia as well as in Kenya.

More than 300,000 Somali refugees fled the country in 2011 alone as a result of the ongoing fighting. According to the UN there are now nearly 1.5 million IDPs in Somalia.

ANALYSIS

It is crucial that the international community views the situation in Somalia through the lens of the Responsibility to Protect and not just as an exercise in state building, an opportunity to fight piracy or another battleground of the “war on terror.” While Al-Shabaab has been driven from Mogadishu and other major towns, armed violence continues to put civilians at serious risk of mass atrocity crimes and the new government in Somalia lacks the capacity to adequately protect civilians.

Clashes among rival clans vying for control of recaptured areas, particularly in Kismayo, may result in further civilian casualties if the Somali government fails to expeditiously form inclusive local governments.

Parties on all sides of the conflict have previously been responsible for mass atrocity crimes and have indiscriminately used mortar, rocket and artillery fire in civilian areas. In areas controlled by Al-Shabaab the denial of aid to people facing famine may also constitute crimes against humanity. While the AU has trained AMISOM forces to respect IHL and advised on methods to reduce harm to civilians, large-scale assaults on Al-Shabaab still pose a direct threat to the civilian population.

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 to 17,731 troops. On 7 November the UNSC passed Resolution 2073, renewing the mandate for AMISOM until 7 March 2013.

The UN and AU issued statements urging all parties to take necessary measures to ensure the protection of civilians during the assault on Kismayo. A 20 September AU statement asserted the organization’s commitment to investigating indiscriminate attacks that result in harm to civilians, including those carried out by AMISOM troops.

Turkey has been providing crucial support for state building in Somalia as well as offering aid to civilian populations.

NECESSARY ACTION

AMISOM, Kenya, Ethiopia and their respective allied militias must ensure that their military campaign against Al-Shabaab is carried out in accordance with IHL. Support is needed to implement more comprehensive rules of engagement and improve civilian harm mitigation efforts. Allegations of mass atrocity crimes must be investigated and perpetrators held accountable.

Somalia’s new government needs ongoing international assistance to complete the establishment of new inclusive local governments in recaptured areas and to build a stronger security sector for the protection of civilians.

MORE INFORMATION

- » [UNSC Resolution S/RES/2036](#), 22 February 2012
- » [UNSC Resolution S/RES/2073](#), 7 November 2012
- » [GCR2P Populations at Risk: Somalia](#)



NIGERIA

Attacks by Boko Haram and inter-communal violence is creating a deadly dynamic that puts populations at heightened risk of crimes against humanity in northern Nigeria.

BACKGROUND

Since 2009 an estimated 2,800 people have been killed by Boko Haram, an extremist Islamist group committed to overthrowing Nigeria’s secular government, or in clashes between Boko Haram and government forces. In the first 9 months of 2012, over 815 Nigerians were killed in 275 bombings and gun attacks carried out by Boko Haram. These attacks exacerbate existing inter-communal tensions and increase the risk of widespread violence.

According to the UN Office of the High Commissioner for Human Rights (OHCHR) between 1999 and 2010 more than 13,500 Nigerians were killed in inter-communal violence, primarily in the north and in the “middle-belt” region that straddles the predominantly Muslim north and Christian south.

As part of Boko Haram’s expanded terrorist campaign, Christians have increasingly been singled out for attack. Church bombings have become a regular occurrence, exacerbating inter-communal tensions. During one such attack on 28 October, a suicide bomber killed 8 and wounded 100 at a Catholic church in Kaduna state. The attack triggered reprisal killings of Muslims that left 2 dead.

On 29 September students at a college in Borno state were attacked, resulting in 3 deaths. Two days later, at a college 100 miles away in Adamawa state, another attack left 27 people dead. The killers reportedly singled out their targets based upon the religious affiliations of their names.

ANALYSIS

These deaths result from a pattern of attacks and reprisals that manifest themselves along ethnic and religious lines. The violence stems from a number of sources, including poverty, discriminatory policies towards Nigerians regarded as “settlers,” a distinction that has resource allocation implications, and the manipulation of religious and ethnic identities to serve political and economic interests. Boko Haram has successfully exploited these tensions and facilitated the spread of inter-communal violence beyond the north and middle-belt to central and southern Nigeria.

While Boko Haram uses terrorism and incites inter-communal violence as a tactic to destabilize the Nigerian state, their threat must be understood through the lens of the Responsibility to Protect. The government’s deployment of additional forces in the north has helped, yet they lack the material resources necessary to protect populations from the scale of the combined threat posed by terrorist attacks and inter-communal violence. Furthermore, the security forces’ acts of arbitrary detention and extra-judicial killing of suspected Boko Haram members are reportedly being used by the group to secure recruits.

A culture of impunity means that those who incite and perpetrate violence, including those responsible for inter-communal violence, are rarely held accountable.

The government of Nigeria is struggling to uphold its Responsibility to Protect and needs the support of the international community.

INTERNATIONAL RESPONSE

The threat posed by Boko Haram has been viewed internationally as part of the “war on terror” and has elicited a stronger response than the rising inter-communal violence. The UNSC issued statements on 27 December 2011 and 25 January 2012 reaffirming the “need to combat by all means ... threats to international peace and security caused by terrorist attacks” in Nigeria.

On 22 June the OHCHR warned that Boko Haram and other groups could be held responsible for crimes against humanity if they are “judged to have committed widespread or systematic attacks against a civilian population,” or “deliberate acts leading to population ‘cleansing’ on grounds of religion or ethnicity.” In July 2012 the ICC Prosecutor made similar warnings during a visit to Nigeria.

NECESSARY ACTION

The Nigerian government must continue to deploy security forces to protect vulnerable communities in the middle-belt and north. Those who incite or perpetrate inter-communal violence must be held accountable.

With international assistance, the government must advance SSR to ensure that security forces, in particular the police, are trained to prevent atrocities while respecting human rights. Security forces must be equipped to respond to imminent and occurring atrocities.

The Economic Community of West African States, the AU, the UN and states with strong ties to Nigeria, including the United Kingdom, should assist the government in addressing the underlying causes of inter-communal violence and strengthening the rule of law.

MORE INFORMATION

- » [UNSC Press Statement SC/10507](#), 27 December 2011
- » [UNSC Press Statement SC/10530](#), 25 January 2012
- » [GCR2P Populations at Risk: Nigeria](#)



CENTRAL AFRICA

The Lord’s Resistance Army

Populations in the Central African Republic, the Democratic Republic of the Congo and South Sudan remain 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 LRA has perpetrated crimes against humanity across central Africa, including in the Central African Republic (CAR), the DRC and South Sudan. No attacks have been reported in Uganda since 2006 and there have been no reported attacks within South Sudan during 2012, but the group remains an active threat to civilians in the DRC and CAR.

Though their numbers are estimated at fewer than 300 combatants, the LRA still poses a formidable threat while operating across remote regions that lack a significant presence of security personnel. The LRA's mobility has made combatants difficult to track.

According to the LRA Crisis Tracker, during the first 9 months of 2012 the LRA conducted more than 200 attacks in the north-eastern DRC and CAR, which resulted in more than 45 civilian fatalities and 350 abductions. The majority of these attacks occurred within the DRC. The LRA has shown a trend over the past year of looting remote villages and committing short-term abductions of civilians to help transport goods. More than 5,500 people have fled LRA attacks so far this year, adding to the more than 445,000 people who have been displaced since 2008.

ANALYSIS

The LRA's recent attacks in the north-eastern DRC and CAR represent a significant surge in activity by comparison to the second half of 2011. The lack of early warning capabilities undermines attempts to protect civilians in such a vast region since the LRA can commit atrocities and flee before local authorities respond.

The governments of Uganda and the DRC have failed to form agreements for the movement of troops across borders in pursuit of the LRA, allowing the LRA to maintain safe havens within the DRC. Recent allegations that Uganda is providing support to M23 rebels in the DRC will further hamper the DRC government's willingness to permit entry to Ugandan forces. The DRC government recently redeployed FARDC troops from LRA-affected areas to address the M23 conflict in North Kivu, leaving populations there vulnerable to LRA attacks. The large number of refugees fleeing to South Sudan after LRA attacks in the CAR and DRC also has a destabilizing effect upon an already fragile country.

Over the past year renewed international interest from the UNSC, the AU and the United States has resulted in several positive developments, including the development of a new Regional Task Force (RTF) and the capture of several high-level LRA commanders.

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 UNMISS stationed in LRA-affected areas. MONUSCO has enticed some LRA fighters to leave the group through its DRRR program and since 2000 Uganda's Amnesty Commission has reintegrated more than 12,000 former fighters and abductees under the Amnesty Act. On 25 May the Ugandan government allowed the Declaration of Amnesty portion of the law to lapse, effectively removing

the exemption from criminal prosecution extended to defectors who renounce the LRA.

There has been an unprecedented level of UNSC engagement regarding the LRA since 2011, largely under the leadership of Portugal. The UNSC issued a Presidential Statement on 29 June welcoming the new regional initiatives and emphasizing the "primary responsibility of States in LRA-affected regions to protect civilians."

As part of the implementation of the AU-led Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA), on 18 September the governments of Uganda, the CAR and South Sudan deployed more than 2,500 troops to serve in the RTF.

NECESSARY ACTION

The government of the DRC needs to coordinate with other LRA-affected countries to agree upon cross-border operations to eliminate LRA safe havens. The AU needs to ensure that the RTF receives adequate training in mass atrocity prevention and respect for IHL.

Donors should help the LRA-affected states build capacity for local early-warning mechanisms, such as providing villages with high frequency radio and mobile phone capabilities. Resources must be provided to help the RCI-LRA fulfill its mandate.

MORE INFORMATION

- » [ICC Situation Page: LRA](#)
- » [LRA Crisis Tracker](#)
- » [UNSC President Statement S/PRST/2012/18](#), 29 June 2012
- » [GCR2P Populations at Risk: Central Africa \(LRA\)](#)



KENYA

There are growing concerns about the possibility of a resumption of widespread ethnic violence in Kenya as the country prepares for the March 2013 election.

BACKGROUND

Kenya has recently experienced a significant increase in inter-communal violence. According to the Kenyan Red Cross, at least 116 people have lost their lives and more than 12,000 people have been displaced as a result of various clashes since mid-August. Violence and retaliatory attacks between the Orma and Pokomo communities in the Tana River delta, sparked by disputes over access to land and water and incited by local politicians, resulted in the death of nearly 100 people during September.

According to a Human Rights Watch report, the local government “failed to respond to reports from residents over the past six months that violence could be imminent.” The Kenyan government has since established a peace forum and a curfew, and on 12 September the parliament approved deployment of the Kenya Defense Forces to quell the Tana River delta violence. On 16 September the government ordered the establishment of a judicial commission of inquiry to investigate the causes of the attacks. At least two government officials, the Assistant Livestock Minister, Dhadho Godhana, and the Assistant Minister for Water, Ferdinand Waititu, have been charged with inciting inter-communal violence in both the Tana River delta and Kayole.

While violence has abated since September, the Kenya National Commission on Human Rights has accused government security personnel of using excessive force in disarming residents in the Tana River delta.

As Kenya prepares for new elections in March 2013, many of the factors that contributed to previous violence remain. In December 2007 post-election violence between ethnic Kikuyu, Luos and Kalenjin left 1,133 people dead and over 663,000 people displaced in Kenya. The ICC subsequently indicted several leading politicians from President Mwai Kibaki’s Party of National Unity (PNU) for implementing a

“common plan” to attack supporters of the rival Orange Democratic Movement, precipitating the ethnic violence.

ANALYSIS

Since 2007 the Kenyan government has struggled to ensure the safety and security of its population. This has contributed to the ominous growth of ethnic-based militias. On 5 January 2012 OCHA warned that 300 people had been killed in ethnic violence in north and central Kenya during the previous year. The recurrence of widespread violence in the Tana River delta raises concerns of renewed conflict leading to mass atrocity crimes.

Underlying political and ethnic tensions remain strong. The post-election mediation led to a power-sharing government in 2008, but Kenya’s political leaders, President Kibaki and Prime Minister Raila Odinga, remain locked in an ongoing power struggle and there is a risk that the security situation could deteriorate quickly. The scale and nature of the violence in the Tana River delta suggests that some attacks were carried out by militias backed by politicians looking to influence the upcoming elections.

While the Kenyan government has expressed its commitment to upholding its Responsibility to Protect, recent violence has highlighted gaps in the government’s capacity to prevent and respond in a timely manner to ethnic violence.

INTERNATIONAL RESPONSE

In 2007 the international community, led by the AU and former UN Secretary-General Kofi Annan, responded quickly and in keeping with the Responsibility to Protect. After the conclusion of a successful mediation, international engagement with Kenya waned.

On 23 January 2012 the ICC confirmed charges against four suspects who allegedly bore the greatest responsibility for instigating the violence in 2007. Following the ICC ruling the United States, the EU and the ICC Prosecutor called upon the Kenyan government to avoid any action that may precipitate a return to violence in the lead up to the 2013 elections. They also stressed the responsibility of the government to ensure accountability for past crimes.

On 22 October the ICC Prosecutor visited Kenya to hear from victims of the 2007 violence. Trials are set to commence in April 2013.

NECESSARY ACTION

The Kenyan government must provide adequate protection for populations at risk of attack and bring perpetrators of the recent violence to justice.

The Kenyan government must put in place measures to ensure the prevention of inter-communal violence during the lead up to the 2013 elections, including effective human rights monitoring. Security and intelligence gaps need to be

urgently addressed. The government must also complete an investigation into the attacks in the Tana River delta and hold perpetrators accountable.

The AU and UN should assist the Kenyan government in efforts aimed at strengthening the rule of law, demobilizing militias and building inter-communal dialogue, particularly by involving local civil society actors and supporting early warning mechanisms.

MORE INFORMATION

- » "Fresh Attacks: More lives lost in fresh attacks," Kenya Red Cross, 11 September 2012
- » "Kenya: Investigate All Politicians in Tana River Violence," Human Rights Watch, 13 September 2012
- » East Africa Humanitarian Bulletin, UN OCHA, September 2012
- » GCR2P Populations at Risk: Kenya

ACCOUNTABILITY WATCH

Côte d'Ivoire:

On 11 October the first domestic trial of former security officers who perpetrated crimes in Côte d'Ivoire during the 2011 post-electoral crisis concluded. Five men were sentenced for complicity in kidnapping, illegal detention and murder. On 2 November the ICC determined that former President Laurent Gbagbo, who is accused of perpetrating crimes against humanity, was fit to stand trial. To date, no supporters of President Alassane Ouattara have been held accountable for crimes committed during the crisis.

Bosnia and Herzegovina:

Since July the International Criminal Tribunal for the former Yugoslavia (ICTY) has heard testimony from more than 37 witnesses in the trial of Ratko Mladic. The ICTY started the trial of Goran Hadžić, former President of the Republic of Serbian Krajina, on 16 October. Hadžić's trial is set to be the ICTY's final case. On 6 November the UN Special Rapporteur on Violence Against Women urged the authorities in Bosnia and Herzegovina to speed up efforts to deliver justice for women who were victims of violence during the 1990s war.

Libya:

On 9 and 10 October judges in the Pre-Trial Chamber of the ICC held a hearing regarding the admissibility claim from the Libyan government to hold the trials of Abdullah al-Senussi and Saif al-Islam Gaddafi in Libyan courts. The chamber has not yet released their judgment. In a briefing to the UNSC, the ICC Prosecutor urged the new Libyan government to ensure that there would be no impunity for mass atrocity crimes, regardless of the allegiance of the perpetrators.

Rwanda:

Norway and Sweden have announced that they will hold trials for individuals accused of perpetrating crimes during the 1994 genocide in Rwanda. On 25 September Norway announced that it would charge a Rwandan man, Saudi Bugingo, with complicity in genocide for planning the killing of more than 2,000 civilians. On 16 November Swedish courts will commence the trial of a suspect accused of killing Tutsis and recruiting youth to participate in massacres.



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