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## New Reports of Crimes against Humanity in South Sudan Emerge as Ceasefire is Violated

Two reports released in May 2014, [one](#) from the Human Rights Division of the United Nations Mission in South Sudan (UNMISS), and [another](#)

from Amnesty International, document evidence that both sides of the conflict have committed war crimes and the crimes against humanity of murder, rape and other acts of sexual violence, enforced disappearance, and imprisonment in South Sudan since the recent outbreak of violence in December 2013.

Shortly after the release of the reports, the leaders of the respective warring parties, President Salva Kiir and ex-Vice President Riek Machar, signed a new peace [agreement](#) on Friday, 9 May, designed to implement a ceasefire, and allow for unhindered humanitarian access. The accord further calls for the establishment of a “transitional government of national unity” before elections in 2015. Nevertheless, reports that both sides have already violated the ceasefire, along with President Kiir’s [announcement](#) that elections would be postponed until 2018 in order to give the country “time to reconcile”, has done little to abate international alarm.

Of particular concern for international actors has been the lack of accountability in South Sudan, both past and present. In its report, Amnesty noted that the “almost total impunity enjoyed by perpetrators of serious violations has created a situation where these individuals and others have no regard for human rights and humanitarian law...individuals and groups who have been affected feel that the only way to ensure perpetrators are punished and to prevent future abuses is to take the law into their own hands and engage in reprisal attacks.” Amnesty further urged both sides to cooperate fully with independent and impartial investigations into violations, including the AU Commission of Inquiry. UNMISS echoed this recommendation, noting that **“In line with its obligations under international humanitarian law, the law of state responsibility, and the Responsibility to Protect, the international community must support domestic accountability efforts** or complement them with other measures in situations where the state concerned is not willing or able to fulfill its international obligation in this regard.”

*For more on the need for accountability in South Sudan, please see our blog on the subject: “[No Stability Without Accountability](#)”*

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## Strong International Response to Possible Crimes against

### Humanity by Boko Haram in Nigeria

An [attack](#) on the 14<sup>th</sup> of April, where 276 schoolgirls were abducted by Islamist insurgent group,

[Boko Haram](#)

, underscored the Nigerian government’s inadequate response to the growing threat and unrest the group has caused in the north of the country, and provoked involvement by the international community. This was not the group’s first bloody affront against civilians, nor was it the first against children. Two months prior, an

[attack](#)

on a school dormitory resulted in 59 fatalities. That said, the unprecedented and emotional nature of the abduction soon brought the situation into dominant public view, creating the popular Twitter hashtag: #BringBackOurGirls.

Nigeria had already [requested](#) external assistance combating Boko Haram in March 2014, and [welcomed](#) the US team [dispatched](#) to aid in recovering the girls in early May 2014, as well as from France and the UK. The ICRtoP co-signed a

[letter](#)

by the

[Global Justice Center](#)

on 9 May 2014, requesting the Security Council to take action on the abduction of the girls. The letter urges the Council to take measures to: prevent further abductions, secure the girls’ safe release, and ensure perpetrators are held to account for the crimes committed. The

International Criminal Court Prosecutor,

[Fatou Bensouda](#)

, has

[said](#)

that crimes committed by Boko Haram fall within the jurisdiction of the Court, which has authority over cases of war crimes, crimes against humanity, and genocide. Both

[Amnesty International](#)

and

[Human Rights Watch](#)

had labeled acts by Boko Haram as likely amounting to ‘crimes against humanity’ prior to the abduction, and Amnesty’s Africa Director

[stated](#)

, 9 May 2014, that this incident against the girls classifies as ‘war crimes.’

In response to the abductions, NGOs have [rallied](#) around efforts demanding the girls’ safe return, [amidst](#) Boko Haram leader Abubakar Shekau’s threats to ‘sell’ them, and the US government’s intelligence that they may

have already left the country.

[Amnesty International](#)

and Nigeria's

[Human Rights Agenda Network](#)

(HRAN) are amongst many civil society leaders applying pressure for the girls' immediate release. UN Dispatch has

[underscored](#)

, however, that while the international attention and willingness to assist the Nigerian government surrounding this situation is commendable, without a strengthening of state institutions and solutions to wider systemic problems permeating Nigerian society, violence of this nature will persist.

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## **Renewed Advocacy from International and Civil Society Actors as ICC Team Arrives in CAR**

On 8 May 2014, a team of investigators from the International Criminal Court [arrived](#) in the Central African Republic to investigate international crimes committed since the most recent cycle of violence began in 2012. This is the ICC's first fact-finding mission in CAR after Fatou Bensouda, the ICC Prosecutor, launched a preliminary probe in February 2014. Amadi Bah, leader of the ICC team, explained the ICC investigation by declaring that "Unfortunately, once again since 2012 serious crimes and unprecedented atrocities have taken place on Central African territory."

The ICC visit comes amid fresh pushes from international and civil society actors to renew focus on CAR. The UN Office for the Coordination of Humanitarian Affairs (OCHA) created a "[photo journey](#)", using photos, videos, and data to share the experiences of the displaced in CAR, while the Enough Project has released a [report](#)

detailing the drivers of the conflict, including regional instability and the exploitation of natural resources. Meanwhile, the Global Centre for the Responsibility to Protect, in a new policy [brief](#)

, stated that "international responses to previous crises in CAR have been ad hoc and have failed to prevent recurring instability and humanitarian suffering," while providing a number of recommendations for the interim authorities in CAR and the international community.

Please see our "[Crisis in CAR](#)" page for more information.

## **Security Council Considering Resolution Referring the Syrian Crisis to the International Criminal Court**

The Permanent Mission of France to the United Nations has [circulated](#) a draft resolution to members of the Security Council that refers the situation in Syria to the Prosecutor of the International Criminal Court. The current draft resolution notes the human rights violations

committed by both sides, while also recalling statements made by Secretary-General Ban Ki-Moon and High Commissioner for Human Rights Navi Pillay that “crimes against humanity and war crimes are likely to have been committed” in Syria.

Though many in the international community have conflicting views on the usefulness of an ICC referral in the ongoing Syrian crisis, many civil society organizations, including Human Rights Watch, [believe](#) that “the record from other conflicts, such as those in the Balkans, confirms that criminal indictments of senior political, military and rebel leaders can actually strengthen peace efforts by delegitimizing and marginalizing those who stand in the way of resolving the conflict.”

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**Global Policy Forum: In Whose Name? A Critical View of the Responsibility to Protect**      "This report provides an overview of the history and content of R2P, its positive contributions and its flaws. It concludes that R2P does not give a satisfying answer to the key question it is supposed to address: how best to prevent and, if prevention fails, respond to large-scale human rights violations and killings? The concept is particularly dangerous as it amalgamates arguments and proposals, mixing uncontroversial and widely accepted notions (that states have a responsibility towards their citizens) with more dubious claims (that military intervention is an appropriate tool to protect civilians).

Rather than building a last resort option – military intervention – for when all else fails, there is a dire need to devote attention and energy to prevention and to ensuring that the international system does not fail to begin with. Existing legal instruments and institutions for crisis prevention and management fulfill many of the functions of R2P without undermining the principles of peaceful dispute settlement or the equal sovereignty of states. The report ends with an overview of alternatives that deserve more reflection and action."

Read the full [report](#) .