

Security Council Open Debate on the Protection of Civilians in Conflict
November 9th 2011, Security Council Chamber

Statement by H.E Ms. Navi Pillay, UN High Commissioner for Human Rights

Mr. President,

Distinguished Members of the Security Council,

I am grateful for the opportunity to address this Council on the protection of civilians in armed conflict and other situations of violence.

Since this Council last debated the subject in May, a people's spring has continued to thaw the global landscape. A few days after the May debate, we saw the inauguration of a new Government in Côte d'Ivoire. Two months later, a new nation was born in South Sudan. The end of violent upheaval promises the beginning of a new era in Libya that, I hope, will embrace human rights.

Mr. President,

In all of these cases, progress has been made in responding to people's aspirations for peace, justice, human rights and democracy. It is critical to consolidate these gains by ensuring accountability and respect for the rule of law.

In Côte d'Ivoire, I have called on the Government to investigate and prosecute serious violations of human rights and international humanitarian law committed by all sides. My Office supported the Commission of Inquiry established by the Human Rights Council earlier this year. Its findings, and those of previous Commissions, provide a point of departure to end impunity, including with respect to elements in the new armed forces who continue to commit summary executions, rape and torture. Accountability, reconciliation and a comprehensive security sector reform, including vetting of officers, must be priorities at this juncture.

In South Sudan, violent clashes between heavily armed communities, and also the related resurgence of armed activity by rebel factions, are undermining the stability of our newest Member State and pose a serious threat to civilians. In order to stop the cycle of violent reprisals, the Government needs more support to better control small arms, prosecute perpetrators of serious violations and ensure reparations to victimised communities who lost their livelihoods.

In Libya, my Office has held initial discussions on transitional justice and will continue its engagement through the United Nations Support Mission in Libya. Given the seriousness and extent of the crimes committed in the past, the needs are colossal and pressing.

With the full support of my Office, the International Commission of Inquiry on Libya will continue to investigate alleged violations by all sides until presenting its final report to the Human Rights Council in March. An advance team began work in Libya at the end of October, and the Commission itself will be in Libya in early December.

Mr. President,

Where basic human rights are trampled and peaceful demands for change met by brutal violence, people are eventually compelled to have recourse to rebellion against tyranny and oppression. It happened in Libya, it may happen in Syria. More and more soldiers refuse to become complicit in international crimes and are changing sides. There is a serious risk of Syria descending into armed struggle.

Since I briefed this Council in August on the findings of the Fact-Finding Mission I established pursuant to Human Rights Council resolution S-16/1, Government military and security forces have continued to commit serious violations. Well over 3500 people have been killed since March. Tens of thousands of people, including doctors, nurses and wounded patients, have been arbitrarily arrested and many remain detained incommunicado placing them at serious risk of torture. However, in today's world, facts cannot be incarcerated, thanks not least to local human rights defenders reporting through social media.

While I welcome the commitments Syria most recently made to the League of Arab States, I am concerned that the killing of civilians has not stopped. We have to see actual progress on the ground. A human rights monitoring presence can help ensure that. The international community must insist that the Government end the killing of civilians, release all those arbitrarily detained for their peaceful protest and finally provide full and unimpeded access to the International Commission of Inquiry, which was established by the Human Rights Council in August and will report before the end of the month. At the same time, a credible spectre of criminal accountability may lead individual military commanders and political decision-makers to pause, reflect and change course.

An assessment mission to Yemen carried out by my Office in June found that civilians are at risk due to the lethal intersection of two separate struggles: the Government's suppression of peaceful protesters on the one hand and its conflict with armed opponents on the other. Government security forces have continued to deploy excessive and lethal force against civilians using live ammunition and even snipers. The situation is exacerbated by armed opponents bringing weapons to otherwise peaceful demonstrations.

The Government has not initiated the type of credible independent investigations referred to in Security Council Resolution 2014. I remain convinced that we need an international investigation and human rights presence on the ground to lay the groundwork for accountability – rather than amnesty for international crimes. In the meanwhile, I intend to seek the agreement of the Yemeni authorities for the deployment of a follow-up mission and will report to the Human Rights Council next March.

I am concerned that the number of civilians killed in Afghanistan is increasing, in a climate characterized by a lack of accountability for serious violations of international law. In the first half of 2011, UNAMA's Human Rights Unit tracked a 15% increase in conflict-related civilian deaths. 80% among the 1,462 civilian deaths recorded could be attributed to anti-Government forces. Civilian deaths for which the Afghan army and other pro-Government forces are responsible have declined to 14% due to improved safeguards.

I draw your attention to the systematic torture of suspected insurgents in many National Security Directorate and police detention facilities, which has been documented in a comprehensive report prepared by UNAMA's Human Rights Unit.

In Iraq and Somalia, our human rights components in UNAMI and UNPOS continue to observe patterns of indiscriminate bombings and targeted killings of civilians. I strongly condemn indiscriminate rocket attacks from Gaza, which flagrantly violate international law. I am also concerned that Israeli raids in Gaza are placing civilians at grave risk. In recent months, my Office in the occupied Palestinian territory has observed an increase in the frequency and severity of violence perpetrated by Israeli settlers against Palestinian civilians in the West Bank. I urge Israeli authorities to do more to prevent such attacks and to hold perpetrators accountable.

Mr. President,

A little more than a year ago, my Office released a Mapping Report on serious violations that were committed in the Democratic Republic of the Congo between 1993 and 2003. Actors flagged in the Mapping Report, including in the army and intelligence services, continue to be implicated in serious violations up to this day.

The Government's initiative to present a bill to parliament that would establish Special Chambers to try the most serious crimes is encouraging. My Office provided recommendations on amendments to guarantee international standards and the participation of international judges and prosecutors. I am pleased to note that the Government has accepted my Office's proposal to hold a national conference on transitional justice.

Today the Joint Human Rights Office published a report about police and intelligence services arresting, assaulting and threatening opposition activists, journalists and human rights defenders in the run-up to the elections at the end of this month. The Government must urgently ensure that the electoral process is not tainted by violence but lives up to the standards set by Security Council Resolution 1991.

In June, this Council mandated the Secretary-General to ensure effective human rights monitoring of the situation in Abyei, following massive displacement and the burning and looting of Abyei town in May. Effective monitoring requires monitors on the ground. Given that my Office's repeated requests for access to Abyei were denied, UNISFA should include a civilian human rights component to carry out the Council's mandate.

Since my briefing to this Council in July, I have also continued to receive disturbing reports from credible sources on the ground about serious violations of human rights and international humanitarian law in Southern Kordofan and Blue Nile State. As you are aware, the United Nations no longer has a human rights monitoring presence, and even temporary access is refused. In the absence of any credible national investigations, I reiterate my call for a thorough and independent international investigation into violations of human rights and international humanitarian law.

Where national authorities fail to investigate credible allegations of the most serious violations, it is incumbent on the international community to rigorously establish the facts.

Over the last two decades, my Office has supported more than thirty Commissions of Inquiry and similar mechanisms set up by the Security Council, the Human Rights Council, the Secretary-General and under my own mandate. We have strengthened our capacity to support such mechanisms. They provide a solid basis to inform international action and national processes on justice, truth and reconciliation. I would encourage this Council to play a more active role in securing follow-up to their recommendations.

Mr. President,

My office participated in last week's workshop convened by Portugal and OCHA on enhancing the role of the Council in ensuring accountability for violations. This Council has an important role to play in ensuring practical arrangements to secure accountability: the establishment of facts, the identification and prosecution of perpetrators, and, importantly, the right to reparation for gross violations of human rights. Without it, impunity emboldens perpetrators and breeds more violations that will undermine peace and progress. My Office stands ready to assist this Council in its efforts to protect civilians.

Thank you for your attention.