

Protection of Civilians in Armed Conflict

10th May 2011, Security Council Chamber (GA-TSC-01)

Statement by Ivan Šimonović, Assistant Secretary-General to the United Nations Office of the High Commissioner of Human Rights

I appreciate this opportunity to address the Security Council on the issue of ensuring greater protection of civilians in situations of armed conflict, on behalf of the High Commissioner for Human Rights. Since this matter was last discussed at the Council, in November 2010, the dramatic unfolding of events in the Middle East, North Africa and Côte d'Ivoire has clearly illustrated that the denial of human rights — including civil, cultural, economic, political and social rights — is a root cause of discord, unrest, violence and, ultimately, armed conflict. Protecting human rights prevents conflicts, and accountability for violations of human rights breaks the cycle of violence.

Let me start by turning to three situations where the United Nations has no peace mission but where there is an immediate risk to human life or a need to establish accountability for human rights violations.

The first of these is Libya. Concern for the safety of civilians in Libya led this Council to authorize all necessary measures to protect civilians and to refer the situation to the International Criminal Court. In order to minimize civilian casualties, it is critical that all parties to the conflict fulfil their obligations to confine any attacks to military objectives.

In a related effort to establish accountability, the Human Rights Council mandated an international commission of inquiry to investigate alleged violations of international human rights law. Supported by a secretariat led by the Office of the High Commissioner for Human Rights (OHCHR), the commission of inquiry recently concluded investigative missions to Libya, Egypt and Tunisia. The commission will submit its report to the Human Rights Council next month.

In Syria, we must prevent the ongoing violent suppression of mass protests from plunging the country into a full-fledged armed conflict. At the request of the Human Rights Council, our Office is preparing to dispatch a mission to Syria to investigate alleged violations of international human rights law. A preliminary report will be provided to the Human Rights Council in June, and full findings in September.

Also in the context of the fight against impunity, we welcome the recent release of the report of the Secretary-General's Panel of Experts on accountability in Sri Lanka, which concludes that there are credible allegations of a wide range of serious violations of international law committed by both Sri Lankan Government forces and Tamil Tigers in the final stages of the conflict. We urge the Government to implement the measures recommended by the Panel in order to bring relief to victims and advance longer-term reconciliation. We fully support the recommendation to establish an international mechanism to monitor national investigations and undertake its own, as necessary.

I would now like to mention briefly several other situations of current concern, where United Nations missions mandated by this Council already exist but where civilians remain at risk and where the question of accountability for violations of human rights requires attention.

The first is Côte d'Ivoire, where we remain concerned about reports of sporadic fighting between pro-Gbagbo militias and the Forces Républicaines and of associated civilian casualties, including in the Yopougon district of Abidjan, where on Friday the human rights division of the United Nations Operation in Côte d'Ivoire found 68 bodies in several mass graves. The Government of President Ouattara must urgently adopt measures to restore the rule of law throughout Côte d'Ivoire and to investigate and prosecute all those responsible for the recent and ongoing violations, regardless of their political affiliation.

The international commission of inquiry on Côte d'Ivoire that was mandated by the Human Rights Council arrived in the country on 4 May. It will conduct field investigations across Côte d'Ivoire and neighbouring countries and will present its findings to the Human Rights Council in June. OHCHR has established a secretariat to assist the commissioners, comprised of staff from our Office, the Office of the Special

Representative of the Secretary-General for Children and Armed Conflict, and UN Women. As requested in Security Council resolution 1975 (2011), the report of the commission of inquiry will be transmitted to this Council.

These accountability measures must be accompanied by further reconciliation efforts. President Ouattara has requested OHCHR to advise the Government on the establishment of a truth and reconciliation commission, and we are in contact in this respect.

In the Democratic Republic of the Congo, in follow-up to the recent mapping report, the Government is preparing to establish a special chamber to investigate serious violations of international law, including mass killings, sexual violence and displacement, and to prosecute the perpetrators. However, as we have recently discussed with the Minister of Justice, the current draft law needs to be amended to guarantee the inclusion of a sufficient international component and to protect the independence and integrity of the process.

Let me now touch upon two further situations ahead of the Security Council's upcoming mission. In the case of Somalia, there is an urgent need to identify ways to strengthen protection of civilians in a highly insecure environment, including through reinforcing the capabilities of the existing peacekeeping forces on the ground. In the case of South Sudan, in defining a new mandate, detailed information on the human rights situation in all parts of the country should be taken into account. Equally important is the inclusion of robust language on human rights protection and promotion.

Let me conclude. In recent years, almost every integrated peace mission has included a human rights component, appropriately reflecting our shared conviction that the maintenance of peace and security depends upon respect for human rights. This positive development must continue. The human rights components contribute to the protection of civilians in numerous ways, including through monitoring, public reporting and building the capacity of national authorities to strengthen respect for human rights and the rule of law. As far as sexual violence is concerned, the scale of the problem requires reinforced efforts. In accordance with the letter and spirit of Security Council resolutions 1888 (2009) and 1960 (2010), OHCHR is in discussion with all relevant United Nations partners regarding the possibility of women protection advisers being located within the human rights components.

Finally, let me commend this Council for its swift and decisive actions to promote the protection of civilians and to ensure accountability, which have undoubtedly helped to prevent further violations of human rights and international humanitarian law. Wherever the Council establishes or renews the mandate of a peace mission, it is important to take into account the human rights situation. OHCHR stands ready to provide such information through the various Security Council mechanisms, especially the Security Council's informal Expert Group on the Protection of Civilians.