
Council must do more to protect civilians in armed conflict – UN rights chief

11 November 2009 – The United Nations human rights chief today called on the Security Council to put more muscle into protecting civilians in armed conflict, citing Israel's war in Gaza and the situations in Darfur, the Democratic Republic of the Congo (DRC) and Afghanistan as examples of the need to end impunity.

"To be effective in the protection of civilians, the Council must consistently work to ensure accountability for perpetrators of war crimes, crimes against humanity and other gross violations of human rights," High Commissioner for Human Rights Navi Pillay said in a statement delivered by Deputy High Commissioner Kyung-wha Kang.

"The establishment of tribunals for the former Yugoslavia, Rwanda and elsewhere, as well as the referral of specific cases to the International Criminal Court, have helped to send an important signal that even in the 'fog of war' impunity is not assured," she added, stressing that "the corrosive effect of impunity on both human rights and peace" was clearly documented by the UN fact-finding mission's report on the Gaza conflict last winter.

As it began its debate on the protection of civilians in armed conflict, the Council unanimously adopted a resolution reiterating its willingness to respond to cases where civilians are targeted or humanitarian aid to civilians is deliberately obstructed, condemning indiscriminate or disproportionate attacks and the use of the presence of civilians to render areas or forces immune from military action.

In addition, it called for an end to impunity, and noted that civilians continue to account for the vast majority of casualties in armed conflict.

Secretary-General Ban Ki-moon **called** for reinvigorated commitment by the Council, Member States, and the UN to the principles of international humanitarian law, human rights law and refugee law, laying out "five core challenges."

These are: strengthened compliance by all parties with international law such as access to conflict zones; more consistent engagement with non-State armed groups to ensure their compliance and safe access to populations; greater ability for peacekeeping missions to protect more effectively such as by active policing of territory; better and safer to civilians in need; and enhanced accountability for perpetrators of crimes and crimes against humanity. Under-Secretary-General for Humanitarian Affairs John Holmes said engagement with non-State armed groups, "however much we may condemn the aims of their often bloody acts which take many civilian lives," is critical for access to those in need and enhancing compliance with humanitarian law, and agencies must have the flexibility to engage them.

Mr. Pillay's statement was the most detailed in its litany of grave violations. Referring to the UN probe on Gaza headed by Richard Goldstone, former prosecutor at the UN tribunals for the former Yugoslavia and Rwanda, she stressed the nature and scope of violations of international human rights perpetrated on the civilian population of the occupied Palestinian territory.

The report, which the Secretary-General has transmitted to the Council, found evidence that both Israel and the Palestinians committed serious war crimes during the hostilities in December and January.

"Israeli forces killed well over 1,000 civilians and attacked homes, schools, mosques, food and water installations, and UN facilities," she said, noting also the indiscriminate launching of rockets and mortars into southern Israel by armed Palestinian groups in Gaza, killing Israeli civilians and causing terror and trauma among communities in disregard of international law.

"Collective punishment, as evidenced by the crippling Israeli blockade and the devastating military offensive, is a violation of international human rights and humanitarian law, as are the forcible evictions of Arabs, the demolition of homes, and the expropriation of occupied East Jerusalem lands for Israeli settlements," she added.

"Until meaningful steps are taken to end impunity for these violations and assert the applicability of international law, peace and security will remain illusive for all the people of the region," she said, urging the Council to embrace the report's recommendations to secure accountability for all perpetrators, and to fully integrate human rights guarantees into peacemaking efforts.

On the DRC, she called the situation in the east of the vast country "a horrifying reminder of the depths to which inhumanity can spiral if left unchecked."

Decrying the fact that military operations against residual armed groups have led to massive displacement, the killing of several hundred civilians this year alone, and a drastic increase in sexual violence, including rape, she called for a review of support by the UN peacekeeping mission for the Congolese Army whenever there is a risk of violations of humanitarian law.

On Darfur, where some 300,000 people have been killed and 2.7 million others displaced by six years of conflict pitting rebels against the Government and its allied Janjaweed militiamen, Ms. Pillay said justice remains elusive and violations continue, while the joint UN-African Union peacekeeping mission, known as UNAMID, has been unable to fully deploy due to resource constraints, delayed troop deployment, and political impediments.

Turning to Afghanistan, she said the conflict has repeatedly caught civilians in the cross-fire, as evidenced by the recent attack on a UN guesthouse in Kabul that killed 5 UN staff members and injured numerous others. "Civilian casualties continue to mount, with hundreds killed every year by armed anti-government elements, government forces, and international forces carrying out both air strikes and ground assaults," she added, noting the continued impunity.

These four country cases demonstrate the gap between policy and practice. "Closing that gap will require a greater commitment by all to the explicit application of international law, and to its enforcement," Ms. Pillay concluded. "It will require more political will, and less political exceptionalism – all must be held to a single standard."

More than 60 countries are scheduled to speak in the day-long debate.