

[Crisis Alert] Côte d'Ivoire: repeated urgent warnings to prevent ethnic cleansing and mass atrocities; Libya: recalling the limited aspect of the military intervention based upon a responsibility to protect civilians

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I. Côte d'Ivoire: repeated urgent warnings to prevent ethnic cleansing and mass atrocities

The volatile political crisis in Côte d'Ivoire continues to escalate as armed confrontation is spreading and causing the [displacement of up to 1 million civilians and nearly 500 deaths](#) . On 29 March a missionary

[informed](#)

BBC News that people were trapped in a church compound as a result of the military advances and that multiple civilians arrived with gunshot wounds. Amnesty International (AI)

[called](#)

for the UN Operation in Côte d'Ivoire (UNOCI) to provide urgent protection to the 10,000 civilians sheltered in the Catholic mission, stating that the UN “must act immediately to prevent further bloodshed.”

As the crisis continues to deteriorate, there is growing fear that mass atrocity crimes have been and will continue to be committed. In a letter to the Security Council issued on 25 March, International Crisis Group

[urged](#)

for swift action to prevent ethnic cleansing and other mass atrocity crimes. The European Union, speaking before the Human Rights Council on 25 March,

[stated](#)

that attacks against the population might constitute crimes against humanity, and Kouadio Adjoumani, appointed by Ouattara to speak on behalf of Côte d'Ivoire, echoed the statement.

He

[declared](#)

before the Council that the attacks on civilians in Abidjan should be investigated by the International Criminal Court.

UNOCI

[confirmed](#)

on 28 March that pro-Gbagbo forces had used mortars and heavy machine guns and targeted UN staff and vehicles. The Assistant Secretary-General of Peacekeeping Operations, Atul Khare,

[reported](#)

on the city's security situation at the Security Council meeting on the crisis in Côte d'Ivoire held

on 25 March. Mr. Khare stated that “the human rights situation is very grave” and that UNOCI reported 462 killings, at least 502 arbitrary arrests and detentions, some involving torture, and at least 72 disappearances, between mid-December and 23 March. Youssoufou Bamba, Ambassador to Côte d'Ivoire, spoke before the Security Council and

[stressed](#)

the urgent need to protect civilian populations. He declared that the world is witnessing the planning of ethnic cleansing and genocide as Gbagbo distributes weapons to youths and uses xenophobic and hateful language in his calls for support.

Regional and international response needed to protect civilians

The Human Rights Council responded to the reports of gross human rights violations with the [passage](#) of Resolution A/HRC/16/33 on 25 March. This resolution expressed the concern of the Council, demanded that media outlets to refrain from inciting violence, and established an international commission of inquiry to investigate human rights abuses.

The UN and its mission in Côte d'Ivoire are under increasing pressure to contain the crisis. On 25 March,

[Alassane Ouattara](#)

called on the UN mission to “proceed to action” and for the UN Security Council to adopt a resolution to authorize the immediate use of legitimate force to protect civilians threatened by post-election violence.

[ECOWAS](#)

in its 25 March Communiqué urged the UN Security Council to strengthen the UNOCI mandate and to adopt stronger targeted sanctions against Gbagbo and his associates. ECOWAS stated that the crisis had become a “regional humanitarian emergency” that required “the President of the ECOWAS Commission to explore all avenues of providing the Government of Mr. Ouattara all the necessary legal and diplomatic means to exercise its authority.”

On 26 March the African Union appointed Mr. José Brito, the former Minister of Foreign Affairs of Cape Verde, to the position of High Representative for Côte d'Ivoire as a measure to implement the

[communiqué](#)

of the Peace and Security Council's 265th

meeting; however, Ouattara immediately

[rejected](#)

the new envoy in a statement made on 27 March based on Mr. Brito's personal and political connections with Laurent Gbagbo.

Security Council adopts Resolution 1975

The UN Security Council met on 30 March and unanimously adopted

[Resolution 1975](#)

, issuing targeted sanctions on Gbagbo and his inner circle, and stressed the support given to the mission to use all necessary means within its mandate to protect civilians under threat. The Resolution stated that the attacks currently taking place against the civilian population could amount to crimes against humanity, and reaffirmed the primary responsibility of all States to protect civilians. The Resolution condemned the serious human rights abuses and violations of international law, noting that the International Criminal Court might decide on its jurisdiction over the situation.

In an Financial Times opinion piece on 25 March,

[Kofi Annan](#)

recalled that if the international community, and especially the African Union, had stood firmly behind the results of the election, the present situation could have been avoided. He said that “understandably, the catastrophe that has struck Japan and the civil war in Libya is dominating the attention of the international community. But we cannot turn our back on the people of Ivory Coast.”

The commitment of all States to the Responsibility to Protect populations demands continued attention on the protection of civilians. Ensuring the capacity for UNOCI to defuse inter-communal violence and protect civilians from mass violence will be essential in the coming days. Both parties to the conflict must exercise restraint, understanding that they will be held accountable for any crimes committed.

1. Warning of ‘human rights catastrophe’ as forces reach Abidjan Amnesty International

31 March 2011

(...) Côte d'Ivoire civilians are at immediate risk of massive human rights violations Amnesty International warned today, as forces loyal to Alassane Ouattara reach the country's commercial capital Abidjan.

“Abidjan is on the brink of a human right catastrophe and total chaos” said Salvatore Saguès, Amnesty International's researcher on West Africa.

“Côte d'Ivoire is facing a major humanitarian crisis. The parties to the conflict must immediately stop targeting the civilian population,” said Salvatore Saguès. “The international community must take immediate steps to protect the civilian population.” (...) (...) “The escalation of this conflict, and increased reliance on mercenaries and untrained recruits, means there is a huge and immediate risk of massive human rights violations in the coming days as the

Republican Forces advance on Abidjan" said Salvatore Saguès.

On 19 March, Gbagbo's minister for youth Charles Blé Goudé, called on Gbagbo's Young Patriot movement members to volunteer as militiamen to 'liberate' the country. The Young Patriots have announced that they have recruited 20,000 soldiers.

Amnesty International has also received reports of retribution attacks against civilians committed by both sides in the western town of Duékoué. (...) See [full report](#) . **2. West African Immigrants Massacred**

Human Rights Watch

31 March 2011

(...) "Côte d'Ivoire has reached the boiling point," said Daniel Bekele, Africa director at Human Rights Watch. "We are extremely concerned about the potential for further human rights atrocities, given the killings by both sides and the continued incitement to violence through the media by Gbagbo cronies."

In a four-month organized campaign of human rights abuses, which probably rise to the level of crimes against humanity, Gbagbo's forces have killed, "disappeared," and raped real and perceived supporters of Ouattara, Human Rights Watch has found. Armed men supporting Ouattara have also engaged in numerous extrajudicial executions of presumed pro-Gbagbo fighters and supporters. (...)

(...) Human Rights Watch has urged all parties to the conflict to respect international humanitarian law and end the targeting of civilians and extrajudicial executions, and has called for UN peacekeepers to enhance civilian protection. The UN operation needs equipment, such as helicopters, as well as additional deployments of well-trained and equipped troops, Human Rights Watch said.

Human Rights Watch has also stressed the importance of accountability for atrocities. The Office of the Prosecutor of the International Criminal Court (ICC) has repeatedly indicated that it will prosecute crimes committed in Côte d'Ivoire if the ICC's requirements for investigation - which relate to the gravity of the crimes and the inadequacy of national proceedings - are met. An investigation could be triggered by a referral of the situation by the UN Security Council or any state that is party to the court, or if the prosecutor decides to act on his own authority. While Côte d'Ivoire is not a party to the court, it accepted the court's jurisdiction through a declaration in 2003. The Security Council resolution references this declaration and states that the report of the commission of inquiry should be provided to the Security Council and "other relevant international bodies."

"The massacre of West African immigrants, targeting of civilians in Abidjan, and massive displacement are deeply troubling and require an effective response," Bekele said. "The UN should prepare for the worst and do all it can to protect everyone in Côte d'Ivoire who is at grave risk of horrific abuse." (...)

See
[full article](#)

See:
[The case for intervention in the Ivory Coast, Foreign Policy by Corinne Dufka](#)
senior Africa researcher for Human Rights Watch

3. Africa: Libya, Côte d'Ivoire burn as Africa runs in circles

AllAfrica.com

Mukhisa Kituyi

26 March 2011

Dr. Mukhisa Kituyi is a former minister for Trade and Industry and a director of the Kenya Institute of Governance.

(...) The crises in Libya and Ivory Coast (Cote d'Ivoire) have brought to the fore the dire inadequacy of Africa's current crop of leaders in dealing with urgent regional challenges.

Seventeen years since the genocide in Rwanda, we seem still lost to the responsibility of forestalling disaster. That, in itself, can be bad enough.

What is hurtful is our leaders' desire that the rest of the world should reify this inaction as some African enhancement to the meaning of dialogue.

When Gbagbo attempted an electoral heist in Abidjan, the world blew the whistle. Africa concurred, and acted like it wanted to take the lead in driving the fellow out of town.

First came contradictory messages as to whether a mission had been sent in or we were dealing with self-appointed journeymen. Then a series of confusing signals from Addis before an announcement that Ecowas would deal on behalf of the continent.

The last word from the AU connection is that President Goodluck Jonathan of Nigeria, the current head of Ecowas, has asked the UN to enhance its role in Ivory Coast with the possibility of militarily ejecting Gbagbo.

Understandable this; what do we expect Jonathan to do when he is a month away from an election back home?

Meanwhile, the fears we had of violence consuming that beautiful country with ugly politics are being fulfilled by the marauding goons unleashed by the election cheater.

Individual presidents have made passing remarks about respecting the rights of the voters, wringed their hands and gone on to more interesting concerns.

The circus of African inadequacy plays out even more glaringly in the case of Libya. With the exception of Rwanda and The Gambia, African states have been very slow in their responses to the criminal violence Col Muammar Gaddafi has visited upon his own people.

As the Butcher of Sirte bombed his country's oil refineries and hospitals, and sent snipers to shoot unarmed civilians in the streets, Africa needed a collective voice of outrage and movement towards stopping or getting help to stop the genocide in the making. What we have seen is the theatre of the absurd. (...)

(...) The most pitiable of all has been the AU. As the extent of destruction became clear, as Gaddafi blasted heavy gunfire into a hospital in Misriya and cheated the world by declaring a ceasefire while sending a convoy of military vehicles towards Benghazi, AU was rounding up some tired gentlemen to plan a trip to initiate reconciliation in Libya.

The best thing to have happened from an African perspective is that African members of the UN Security Council voted with their heads and hearts to endorse quick military intervention. For once they did not read the lips of our leaders.

The chair of AU, Mr. Ping, has protested loudly that they were not consulted, although the UN

Secretary General recollects otherwise. Mr. Ping wants us to believe that teams of African politicians who in most likelihood have enjoyed a Gaddafi cola nut would stand up to him and make him silence the guns he is railing on his citizens. (...)

See
[full article](#)

4. Open Letter to the UN Security Council on the Situation in Côte d'Ivoire

International Crisis Group

25 March 2011

(...) The security and humanitarian situation in Côte d'Ivoire is rapidly deteriorating. Civil war in the country has been reignited; we are no longer warning of the risk of war, but urging swift action to halt the fighting and prevent ethnic cleansing and other mass atrocity crimes. (...)

(...) ... the UN Security Council must immediately take appropriate measures to stop the war, including those requested by the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) in its resolution adopted on 24 March. Failure to do so risks seeing the Ivorian crisis spiral further out of control, destabilizing Côte d'Ivoire's fragile neighbors, Liberia and Guinea-Conakry.

It should, moreover, support the diplomatic efforts of the African Union and ECOWAS. (...)

(...) However, since Gbagbo may still reject any offer, the Security Council should immediately authorise military action to ensure the protection of the population by UNOCI or other authorised forces and to support President Alassane Ouattara and his government in exercising authority over the armed forces and ensuring the territorial integrity of the state.

As stated in the ECOWAS resolution, the situation in Côte d'Ivoire is now a regional humanitarian emergency. Military operations by armed forces loyal to Gbagbo are now underway, with heavy arms being used in attacks on the Abobo area of Abidjan, where Ouattara supporters are based. These attacks come after intensifying confrontations between Gbagbo's forces and armed groups affiliated to Ouattara over the past month. (...)

(...) The Security Council should again condemn the violent attacks and propagation of hate

speech and proceed with individual sanctions against responsible persons. Methods and capacities to block or jam outlets broadcasting hate speech should be authorised by the Council and its Members.

Unfortunately, UNOCI appears overwhelmed by the situation. Intimidated by constant harassment from Gbagbo's camp, UNOCI is unable to implement its mandate to protect civilians subjected to violence or the threat of violence. The UN's posture in the country must change, and UNOCI must be required to use force when necessary to carry out its mandate effectively.

The political and military command structures of the Mission must be reinforced as quickly as possible. Its capacities to monitor the situation, process information and react to facts on the ground, including through public human rights reporting and supervision of the 2004 arms embargo, need significant improvement (...)

The Council should also seek to ensure the rapid deployment of the additional troops authorised by SCR 1967 (2011), and the Secretariat should rotate better trained and equipped peacekeepers from Troop Contributing Countries instructed to use robust force.

Even with these essential measures taken, UNOCI might not have the capacity to intervene effectively to stop the civil war and ensure adequate protection should mass violence and ethnic cleansing break out. Preparedness for this all-too likely scenario is not only essential, but a fundamental responsibility of the Council and its Members. The Security Council should authorise an ECOWAS-led mission to take all necessary measures to ensure the protection of the Ivorian people. (...)

See
[full letter](#)

5. Hundreds of lives lost in Ivory Coast amidst slow international response

Federation internationale des Droits de l'Homme

25 March 2011

32 International and African organizations call for urgent action in face of deteriorating situation

Greater measures to protect civilians and meet fundamental humanitarian needs in Ivory Coast are urgently needed, a coalition of 32 international and African civil society organizations including Human Rights Watch, the International Federation for Human Rights, and the Open Society Initiative for West Africa have warned today.

Increased fighting and insecurity have taken the total number of displaced towards the half million mark with new displacements of people in the capital, Abidjan, and in the Western part of the country. UNHCR has documented nearly 500,000 people displaced in Abidjan and western Côte d'Ivoire[1], with more than 100,000 refugees in Liberia - of which more than a half have arrived since late February[2]. Hundreds of thousands of people are in urgent need of food and non-food aid, including medicine. The coalition warns that the current provision of funding for humanitarian aid is already insufficient.

"The humanitarian situation caused by the conflict in Ivory Coast has reached a critical level. Aid distributions have been postponed as a result of new fighting around Abidjan and the plight of IDPs in Ivory Coast and refugees into Liberia and other neighboring countries is of grave concern. It is of critical importance that the international donor community steps up funding to meaningfully address the deepening humanitarian crisis in the Ivory Coast and Liberia", declared Elisabeth Rasmusson, Secretary General of the Norwegian Refugee Council (NRC).

The conflict has already resulted in the reported killing of more than 460 civilians[3] in addition to dozens of reported rapes (many politically motivated) as well as illegal detention and enforced disappearance by Gbagbo's security forces. Heavy arms and explosive weapons have been used in populated areas with no discrimination between civilians and armed actors. According to recent field research conducted by members of the coalition, Ivoirians and immigrants from neighboring West African countries are being targeted by pro-Gbagbo forces, beaten to death or doused with gas and burnt alive. Reports also indicate that pro-Ouattara fighters have also committed extrajudicial executions against real or perceived pro-Gbagbo supporters in territory under their control.

The coalition calls for those responsible for serious human rights violations to be held accountable for their crimes. On March 25, the UN Human Rights Council will decide whether to establish a Commission of inquiry to investigate grave violations of human rights and international humanitarian law during the post-election period. Such an inquiry could help prevent impunity of perpetrators and deter further atrocities, particularly if it worked to identify those most responsible for these abuses and make clear recommendations aimed at holding them responsible.

See
[full letter and report](#)

II. Libya: recalling the limited aspect of the military intervention based upon a responsibility to protect civilians The swift and decisive actions of the international community have prevented a humanitarian disaster thus far in Libya; however, as the articles by Human Rights Watch and Amnesty International included below clearly illustrate, the threat for civilians remains evident as reports continue to surface detailing forced disappearances and abuses of suspected opposition detainees. The humanitarian toll is now [estimated](#) by UNHCR as having caused 320,000 civilians to flee and over 20,000 are in transit.

As fighting rages on between the rebels and Gaddafi's forces, there is increasing concern that States, following NATO's assuming of commands, may be considering steps (such as arming the rebels, or actions toward regime change) which go beyond the international consensus that was endorsed through Resolution 1973. With this Resolution, the international community, with the support of regional bodies such as the Arab League, made clear that using "all necessary measures" to protect civilian areas from attack by Libyan government forces should only continue as long as the attacks on civilians persist or are threatened. As analyzed below by Gareth Evans, "Military action expressly designed to kill Gadhafi or force him into exile, to ensure a rebel victory in a civil war, or to achieve a more open and responsive system of government in Libya is not permissible under the explicit terms of Resolution 1973. Nor is it permissible under the moral first principles of the "responsibility to protect" doctrine unanimously endorsed by the U.N. General Assembly in 2005 in an effort to end mass atrocities once and for all."

During April, [Security Council members](#) will continue to focus on Libya, notably at the Secretary-General's monthly briefing as requested in Resolution 1973 and in the Sanctions Committee. The ICC prosecutor's report on the situation will be due on 26 April.

African Union efforts to initiate a political dialogue while African Court orders to stop violence

The African Union met with a delegation of the Libyan government in Addis Ababa on 25 March, where a Roadmap for a political solution was [established](#), including the "adoption and implementation of political reforms necessary to meet the aspirations of the Libyan people", "initiation of a political dialogue between the Libyan parties in order to arrive at an agreement on the modalities for ending crisis", and the "establishment and management of an inclusive transnational period."

The African Court on Human and People's Rights issued its first ruling against a state and announced on 31 March that it had [charged](#) the Gaddafi regime with "massive human rights violations". The court issued an "order for provisional measures" which declared that the government must refrain from action that would violate human rights or result in deaths, and required the regime to appear before the court within 15 days to explain what measures it has taken to abide with the Court's order. In response to the ruling, Human Rights Watch [stated](#) that the African Union should now work to ensure that Libya abides by the order of the Court.

Despite these developments, the African Union has been criticized, including by Rwandan president [Paul Kagame](#) and former minister for Trade and Industry of Kenya [Dr. Mukhisa Kituyi](#), (see Op-eds below) for a slow and weak response to the Libyan crisis.

London Conference on Libya: Leaders reaffirm support for SC Res. 1973

Leaders from 35 governments and NGOs [met](#) in London on 29 March to discuss implementation of Resolution 1973 and the enforcement of the no-fly zone, as well as the humanitarian needs of the population and the political future of Libya. Conference participants [agreed](#) that Gaddafi's government had completely lost legitimacy and must be held accountable for its brutal use of force. It was agreed that a political contact group would be established to provide "leadership and overall political direction to the international effort in close coordination with the UN, AU, Arab League, OIC (Organisation of the Islamic Conference) and EU to support Libya." There was agreement that Qatar, which as of 28 March was the first Arab state to [recognize](#) the Transitional National Council as the legitimate government of Libya, would host the first meeting of the Group.

The representatives [agreed](#) to continue their efforts in accordance with UN Council Resolution 1973, including the establishment of an immediate ceasefire, a halt to all attacks on civilians and full humanitarian access to those in need. Increased [sanctions](#) were also discussed and may be placed on people associated with Gaddafi to send a message that the government cannot attack civilians with impunity. The conference also

[supported](#)

NATO's decision to take command of all military operations.

The Transitional National Council was also present at the London conference and issued a [statement](#)

entitled "A Vision of Democratic Libya" which stated the Council's commitment to "a civil society that recognizes intellectual and political pluralism and allows for the peaceful transition of power through legal institutions and ballot boxes; in accordance with a national constitution crafted by the people and endorsed in a referendum."

Meanwhile, members of Gaddafi's government continued to defect when on 31 March the Libyan Foreign Minister and one of the most senior figures of the regime, Moussa Koussa, [resigned](#) and traveled to London.

Nonetheless, having issued new 'rules of engagement' specifying that the Coalition may attack units on the ground in the name of protecting civilians, NATO officials have also issued a [warning to the rebels](#) as they gain ground towards Gaddafi's native city of Surt, that if they endanger civilians they may also be subject to possible bombardment.

**Civil Society articles on the latest development
R2P script**
2011
Ian Davis, director of NATO Watch

1. Libya: NATO must stick to the
NATO Watch 31 March
Dr.

The UN-authorized intervention in Libya has thrown up complex ethical issues of paramount importance, as well as misgivings about NATO assuming command of the military dimension. It is an intervention that has both an overt face and a hidden face, and behind every rationalization seemingly another rationalization, often of quite a different order than the declared protection of Libyan civilians.

What started out as an action that observed the majority of the norms of international law and multilateral consultation is now in danger of reverting to type. The heavy-handed application of unilateral US, French and British muscle and talk of regime change, arming the rebels and even assassinating Gaddafi risks breaking the fragile international consensus and many of the political gains secured through UNSC resolution 1973 – including the historic embrace of the responsibility to protect (R2P) principles agreed in 2005.

With NATO assuming command of all military operations, the Alliance must stick to the letter of the UN resolution and R2P principles. Five crucial steps are required:

1. The use of "all necessary measures" to protect civilian areas from attack by Libyan government forces should only continue as long as the attacks on civilians persist or are threatened
2. Diplomatic efforts should be stepped up to achieve an early unconditional ceasefire and then work towards a lasting political settlement
3. NATO should abide by clear and transparent rules of engagement
4. Parliaments in member states should hold their governments accountable for NATO actions in Libya
5. Open and careful monitoring of civilian casualties

There was undoubtedly a strong anti-war case for staying out of Libya, but there was, and still is, a stronger pro-peace case for limited military intervention based upon a responsibility to protect civilians. But the limits of the Libyan intervention need to be clearly articulated and followed to the letter. For further details, see this [pdf document](#) **2. Libya: Campaign of enforced disappearances must end**

Amnesty International

29 March 2011

(...) Libyan forces loyal to Colonel Mu'ammarr al-Gaddafi have carried out a campaign of enforced disappearances in an attempt to crush growing opposition to his rule, Amnesty International said today in a new briefing paper.

Libya: Detainees, disappeared and missing details over 30 cases of individuals who have disappeared since before protests began, including political activists and those suspected of being rebel fighters or supporters of fighters.

"It appears that there is a systematic policy to detain anyone suspected of opposition to Colonel al-Gaddafi's rule, hold them incommunicado, and transfer them to his strongholds in western Libya" said Malcolm Smart, Amnesty International's Director for the Middle East and North Africa.

"Given the circumstances of their enforced disappearance there is every reason to believe that these individuals are at serious risk of torture and ill-treatment."

"Colonel al-Gaddafi must halt this outrageous campaign and order his forces to abide by international law."

Disappearances began taking place even before protests against Colonel al-Gaddafi had turned into armed rebellion. (...) (...) Amnesty International called on Colonel al-Gaddafi and those around him to allow immediate independent access to those detained in order to check on their safety and help protect them from torture, and to urgently inform their families of their whereabouts.

The organization also urged those holding detainees to ensure that all alleged or known fighters who are captured are treated humanely in line with international law, and to give them immediate access to the International Committee of the Red Cross. (...)

(...) The cases documented by Amnesty International are believed to represent only a small proportion of the total number of people who have been detained or have disappeared in the custody of Colonel al-Gaddafi's forces in recent weeks. (...) See [full report](#) . **3. African Rights Court issues first ruling against a state**

Human Rights Watch

31 March 2011

(...) The Libyan government should immediately comply with the first binding ruling against a state by the newly operational African Court on Human and Peoples' Rights, the Egyptian Initiative on Personal Rights (EIPR), Human Rights Watch, and Interights said today.

In its pioneering decision, issued on March 25, 2011, and published on March 30, the court unanimously ordered Libya to end any actions that would cause the loss of life or violation of anyone's "physical integrity" in violation of international human rights law. The ruling is binding on Libya, which is required to report back to the court in 15 days on the steps it has taken to carry out the ruling.

"The African Court's first ruling is a key moment for the protection of human rights in Africa," said Clive Baldwin, senior legal adviser at Human Rights Watch. "The African Union should now ensure that Libya quickly abides by its first ruling." (...)

See
[full article](#)

Opinion Editorials

1. Africa must support Libya intervention

Adekeye Adebajo

01 April 2011

Dr Adekeye Adebajo is the executive director of the Centre for Conflict Resolution, Cape Town, and the author of [The Curse of Berlin: Africa after the Cold War](#)

For Africans to avoid a schizophrenic, ethical dead-end in which the West is criticised for intervening to save lives in Libya and simultaneously condemned for not having intervened when genocide erupted in Rwanda in 1994, it is important to explain the idea of the "**responsibility to protect**"

" before untangling the issues involved in Libya. (...)

In the post-Cold War era respected African scholars and statesmen gave prominence to the idea of a "**responsibility to protect**". Francis Deng, the Sudanese current special adviser to the UN secretary general for genocide prevention, coined the idea of "sovereignty as responsibility" in 1996 and sought to use it to protect populations in danger as the UN special representative for internally displaced persons between 1992 and 2004. (...)

Africa's first UN secretary general, Egypt's Boutros Boutros-Ghali, similarly called for an end to absolute sovereignty and backed "humanitarian interventions" in Liberia and Somalia. His Ghanaian successor and Nobel Peace Prize laureate, Kofi Annan, was also a vociferous proponent of "humanitarian intervention", under whose leadership the UN accepted the idea of "the **responsibility to protect**" in 2005. Though many African (and other developing country) leaders objected to this idea, fearing that such interventions could be abused by the "great powers" to threaten their sovereignty, the African Union's Constitutive Act of 2000 enunciated one of the most interventionist regimes in the world in cases of human rights abuses and regional instability.

Current events in Libya must thus be assessed in the context of a changing African doctrine to do with the duty to protect citizens from repressive governments, though this idea has been inconsistently applied in cases such as Zimbabwe and Africans still largely lack the military capacity to enforce a Pax Africana. Nevertheless, regional efforts in Sierra Leone and Burundi, as well as UN peacekeeping efforts in the Democratic Republic of Congo, have represented limited efforts to promote a "**responsibility to protect**". (...)

(...) Gaddafi's killing of scores of his own citizens justifies the UN approving this intervention. The Libyan strongman had earlier thumbed his nose at AU efforts to find a diplomatic solution. Africa must support efforts to rein in Gaddafi and his army, while keeping a vigilant eye on those enforcing the no-fly zone. This applies particularly to France, which has traditionally sent gendarmes to Africa in pursuit of parochial interests, allowing génocidaires to escape from Rwanda in 1994 and, more recently, supporting autocrats such as Chad's Idriss Déby. Working through its representatives on the UN Security Council, Africa must try to ensure that Libyan civilians do not become victims of Western "collateral damage" and that neo-imperial temptations are avoided in the oil-rich country.

(...) Based on Africa's own evolving norms to do with protecting civilians from oppressive regimes and the UN Security Council's support for the present actions in Libya, Africans should back this multilateral intervention. We must, however, remain vigilant about hidden agendas.

We should ensure that the UN is able to hold the interveners accountable, that rebel actions against civilians also be monitored and that the AU and the Arab League continue to be closely consulted. Only through such efforts can the ghosts of Suez and Iraq, now hovering over Libya, be banished.

See [full article](#) **2. Interview with Special Adviser Ed Luck** International Peace Institute 28 March 2011

Mr. Luck, is the military intervention in Libya about the world implementing the Responsibility to Protect?

Yes. Both Libyan resolutions of the United Nations Security Council refer to it. This is the first time that the Council has employed the enforcement provisions of Chapter VII of the UN Charter to implement the Responsibility to Protect. That is historic! Now the Member States, of course, have to strictly abide by resolution 1973.

Isn't the Coalition really pursuing regime change?

I don't see any indication of this. Some participating states may have other goals. But I am under the impression that everybody recognizes that the UN mandate only authorizes measures to protect the population. It is important that no one forgets the purpose of the exercise.

Do you worry about delegitimizing the concept of RtoP, which is very unpopular among opponents of humanitarian interventions anyway, if other goals are pursued in its name?

We always have to beware of possible abuse. The Secretary-General will regularly report to the Security Council about the steps the Coalition is taking. Generally, it is important for the acceptance of RtoP that we only invoke it when a population is in danger of genocide, war crimes, ethnic cleansing, or crimes against humanity.

Which scenario was impending in Libya?

There seemed to be crimes against humanity, that is, widespread and systematic attacks on the population with the knowledge of the authorities. The air attacks on peaceful protesters were outrageous. Nevertheless, the Security Council tried sanctions first - but the Qaddafi regime kept advancing. Finally, there was good reason to believe that a bloodbath in Benghazi was imminent. (...) **Unlike in Tunisia and Egypt, the Libyan protest movement has quickly become an armed resistance. Is RtoP in danger of becoming a pretense for supporting a party in a civil war?**

The resolutions of the UN Security Council clearly state that the arms embargo and the call for a truce apply to both sides of the conflict. But Qaddafi's opponents are simple civilians who have taken up arms for self-defense: housewives, students, lawyers, doctors, teachers or

technicians. It was not an armed rebellion. (...) (...) **So you are not frustrated that Western states are only referring to RtoP in this case where tangible interests such as oil and refugees are concerned?**

If states cared only about economic relations with Qaddafi, they would have looked the other way. To think that Western countries are merely waiting for pretenses to intervene militarily in other states is nonsense. More frequently, powerful states ignore the cries for help from people under duress. Somalia, Darfur, and the Congo are examples of this. (...) See [full interview](#) .

3. A chink in the armour of sovereignty

Trinidad Express Newspaper

Hans Geiser

27 March 2011

Hans Geiser is a former UN diplomat

(...) Not surprisingly, the events in Libya have become controversial. For some, in the majority, the UN Security Council Resolution is a historic event, since it applies for the first time in practice the novel concept of "the **responsibility to protect**" against a government who is committing grave human rights violations against its own people.

For some others, in the minority, what is happening in Libya is a serious violation of the principles of sovereignty and non-intervention, a disguised effort at recolonisation, a fig leaf for "regime change", and a hardly veiled attempt at grabbing Libya's oil by a new breed of "western crusaders". As for me, I place myself firmly among the group in support of the UN Resolution on the grounds that the international community has the responsibility to protect—and if necessary to intervene in situations of grave violations of human rights and crimes against humanity. (...)

What, then, is the meaning of "the responsibility to protect"? A quick look at the evolution of the concept is in itself quite interesting. The idea goes back to the period of the 90s when the international community witnessed a number of atrocious human rights violations, first and foremost among them the genocide in Rwanda. One of the strongest advocates of the concept was Kofi Annan who, deeply traumatised by the events in Rwanda, tirelessly promoted and lobbied for acceptance by the international community the responsibility, indeed the obligation, to protect civilian populations who are subject to human rights atrocities by their own governments.

This novel concept was initially opposed by a number of states, but it found its way, eventually, into the final document adopted by the UN Summit in 2005, on the occasion of the 60th anniversary of the UN. The concept has subsequently been endorsed by the Security Council and its implementation further defined unanimously by the UN General Assembly in its Resolution of 14 September 2009. Incidentally, Trinidad and Tobago was a co-sponsor of the Resolution.

(...) What is clear is that the Security Council more often than not is guided selectively by considerations of "realpolitik" rather than by novel principles of international law. However, in the case of Libya, it is my argument that the Security Council has taken legitimate enforcement measures specifically in line with and in support of the principle to protect innocent civilians. In so doing, the council has created a significant test case, a precedent which at the same time softens that traditional belief in absolute sovereignty. Hence, at least a chink in the armour! (...)

At first sight, this could be interpreted as contrary to the Charter provision and therefore render the resolution null and void. However, some research into the state praxis in the Security Council indicates that the council from early on, and increasingly so in the more recent past, has taken numerous decisions without having the concurrence of all five permanent members. Instead, they have quite frequently and conveniently used abstention rather than their veto power, thus indicating somehow tacit acquiescence and letting the resolutions pass. Indeed, none of the five Members of the Council who have abstained on the Libyan vote have contested the validity of the Resolution.

The overall objective of the military intervention as authorised by the Security Council is to stop the indiscriminate persecution and killings of innocent civilians. If achieving this objective will lead eventually to regime change, so be it. It will be within international law and mark a chink in the armour of Libya's sovereignty.

See
[full article](#)

4. Rwandans know why Gaddafi must be stopped

AllAfrica.com

Paul Kagame

24 March 2011

(...) My country is still haunted by memories of the international community looking away. No country knows better than my own the costs of the international community failing to intervene to prevent a state killing its own people.

In the course of 100 days in 1994, a million Rwandans were killed by government-backed "genocidaires" and the world did nothing to stop them.

So it is encouraging that members of the international community appear to have learnt the lessons of that failure. Through UN Resolution 1973 we are seeing a committed intervention to halt the crisis that was unfolding in Libya.

From what the world saw on the sidelines of this conflict, had this action not been taken, the bombardment of that country's towns and cities would have continued, Benghazi most likely would have borne the brunt of a furious administration and hundreds of thousands of lives could well have been lost.

Given the overriding mandate of Operation Odyssey Dawn to protect Libyan civilians from state-sponsored attacks, Rwanda can only stand in support of it.

Our

responsibility to protect

is unquestionable - this is the right thing to do, and this view is backed with the authority of having witnessed and suffered the terrible consequences of international inaction.

My main concern however, is whether this necessary action will not be compromised by ambivalence and wavering arguments.

Now that the UN Security Council has taken a strong stand and sent the message that our global community will be relentless in protecting civilians under threat, particularly from their own leaders, we cannot be seen to be indecisive about moving forward in completion of this aim. (...)

(...) The issue is not so much about regime change as it is about saving lives, but we cannot ignore the link between what is happening in Libya and the acts of the current administration.

From the African perspective there are important lessons to learn, the main one being that we as the African Union need to respond faster and more effectively to situations such as these.

Despite the AU Peace and Security Council holding consultations early this month to discuss the crisis in Libya, and subsequently deciding to send a fact-finding mission to that country, this response was slow and in the end overtaken by events on the ground.

However, let me also contend that the international community would have done well to include the African Union in the decision-making process in the same way that, for example, the Arab League was consulted: this certainly would have lent added legitimacy to the operations we are now witnessing.

It is regrettable that although Libya is a member of our regional community, Africa's only voice on this crucial issue was that of the few countries that sit on the UN Security Council.

This is not sufficient for our Continent: we should be doing, and seen to be doing, the right thing at the right time - not from the sidelines of operations such as this, but right at the heart of solutions to the problems that are facing our people. (...)

(...) While the support may not have been military, the AU could have offered something far more valuable - political support and moral authority for the coalition's actions on the ground.

There would have been other advantages to Africans having been more actively involved in the process that led to this joint action in Libya: first, it would have shown that African nations were ready to step up to the plate, accept their responsibilities and do the right thing. (...)

(...) Second, African Union support for Operation Odyssey Dawn would have acted as a further deterrent to other African leaders who might be tempted to target their own people with violence. (...)

See
[full article](#)

5. The U.N. Security Council mandate does not call for Gadhafi's head

The Daily Star Gareth Evans

25 March 2011 (...) The international military intervention in Libya is not about bombing for democracy or for Moammar Gadhafi's head – let alone keeping oil prices down or profits up. Legally, morally, politically and militarily, it has only one justification: protecting Libyans from the kind of murderous harm that Gadhafi inflicted on unarmed protestors four weeks ago, has continued to inflict on those who oppose him in the areas that his forces control, and has

promised to inflict on his opponents in Benghazi and other rebel-held territory.

When that job is done, the military's job will be done. Regime change is for the Libyan people themselves to achieve. (...)

(...) U.S. Senators John McCain and Joseph Lieberman, for example, have said that the aim must be not only to protect civilians, but also to drive Gadhafi from power. British Defense Minister Liam Fox has suggested that Gadhafi could be targeted. And from the other side, many commentators – anxiously or cynically, according to taste – have drawn parallels with Iraq and other past misuses of Western military power. Many others talk of being drawn inexorably into an Afghanistan-style quagmire.

To clarify the issues, the best place to start is with the two U.N. Security Council resolutions. The first, Resolution 1970, adopted on Feb. 26, invoked “the Libyan authorities’ responsibility to protect its population,” condemned its violence against civilians, demanded that this violence stop, and sought to concentrate Gadhafi’s mind by applying targeted sanctions, an arms embargo, and the threat of prosecution for crimes against humanity.

The follow-up Resolution 1973, adopted on March 17, deplored the failure to comply with Resolution 1970, reasserted a determination to ensure the protection of civilians, and called for an immediate cease-fire and a complete end to violent attacks against and abuses of civilians. Then, for the first time ever, the Security Council explicitly authorized military intervention by member states to achieve these objectives.

Coercive military action was allowed to take two forms, namely “all necessary measures” to enforce a no-fly zone, and “all necessary measures ... to protect civilians and civilian populated areas under threat of attack.” Boots on the ground – “a foreign occupation force” – were expressly excluded.

The language of these resolutions could hardly be clearer in prescribing the scope and limits of what should be done. In the case of enforcing the no-fly zone, Resolution 1973 allows the destruction, by aircraft or missile, of any loyalist jet or helicopter that takes off, any pro-Gadhafi forces’ anti-aircraft batteries or missile-launch sites, and the disabling of any airstrip. And, as for the wider mandate to protect civilians, the resolution allows airborne attacks to knock out tanks or troop columns advancing on Benghazi or other rebel-held towns, and – should they exist – concentrations of forces within those areas that pose a direct and immediate threat to Gadhafi’s opponents. (...)

(...) Beyond these questions, there is nothing to debate. Military action expressly designed to kill

Gadhafi or force him into exile, to ensure a rebel victory in a civil war, or to achieve a more open and responsive system of government in Libya is not permissible under the explicit terms of Resolution 1973. Nor is it permissible under the moral first principles of the “responsibility to protect” doctrine unanimously endorsed by the U.N. General Assembly in 2005 in an effort to end mass atrocities once and for all. True, one or more of these results might, conceivably, be the effect of permissible military action, but they cannot be its objective.

It also follows from these legal and moral first principles that once there are reasonable grounds for confidence that the threat to civilian populations has been removed or neutralized (as seems now to be largely the case, at least in the east), military action should cease. (...)

See

[full article](#)

More links to articles and analysis on Libya and RtoP :

- **Rene Wadlow**, *Representative to the United Nations, Geneva, Association of World Citizens* – [Libya: The framework of the Responsibility to Protect](#) ; the newfederalist.eu, 29 March 2011
- **Francesco Femia**, *Program Director at the Connect U.S. Fund* – [R2P: Libya intervention historic milestone](#) ; Washington Note; 30 March 2011
- **Larry Cornies** – [Canada’s role? Opportunity to lead regime change](#) , lfpres.com, 26 march 2011
- **Thomas Darnstädt** – [The UN shifts priority from people to peace](#) , Spiegel Online International, 25 March 2011
- **Olivia Ward** – [Responsibility to Protect takes off in Libyan skies](#) , Thestar.com, 25 March 2011
- **Jayshree Bajoria**, [Libya and the Responsibility to Protect](#) , The Huffington Post, 25 March 2011

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